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CHARTERS
STATUTES AND ORDERS IN COUNCIL

CHARTERS
STATUTES, ORDERS IN COUNCIL &c.
RELATING TO THE
HUDSON'S BAY COMPANY



LONDON
HUDSON'S BAY COMPANY
1931

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PREFACE

This collection of Charters, Public Acts, Orders in Council and other authorities relating to the Hudson's Bay Company covers a period of over two and a quarter centuries.

No claim is made that the collection is complete, nor that the general description which the title to the volume connotes is entirely appropriate to its contents, but it is hoped that at least the student and the practitioner before the Courts will find an interest in and a use for the volume.

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ROYAL CHARTER TO THE HUDSON'S
BAY COMPANY

1670, May 2

CHARTER OF THE HUDSON'S BAY COMPANY, 1670

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THE ROYAL CHARTER for incorporating The
Hudson's Bay Company, A.D. 1670.

CHARLES THE SECOND By the grace of God King of England Scotland France and Ireland defender of the faith &c To ALL to whome these presentes shall come greeting WHEREAS Our Deare and entirely Beloved Cousin Prince Rupert Count Palatyne of the Rhyne Duke of Bavaria and Cumberland &c Christopher Duke of Albemarle William Earle of Craven Henry Lord Arlington Anthony Lord Ashley Sir John Robinson and Sir Robert Vyner Knightes and Baronettes Sir Peter Colliton Baronett Sir Edward Hungerford Knight of the Bath Sir Paul Neele Knight Sir John Griffith and Sir Phillipp Carteret Knightes James Hayes John Kirke Francis Millington William Prettyman John Fenn Esquires and John Portman Cittizen and Goldsmith of London have at their owne great cost and charge undertaken an EXPEDICION for Hudsons Bay in the North west part of America for the discovery of a new Passage into the South Sea and for the finding some Trade for Furrs Mineralls and other considerable Commodities and by such their undertakeing have already made such discoveries as doe encourage them to proceed further in pursuance of their said designe by meanes whereof there may probably arise very great advantage to us and our Kingdome AND WHEREAS the said undertakers for their further encouragement in the said designe have humbly besought us to Incorporate them and grant unto them and their successors the sole Trade and Commerce of all those Seas

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Streightes Bayes Rivers Lakes Creekes and Soundes in whatsoever Latitude they shall bee that lye within the entrance of the Streightes commonly called Hudsons Streightes together with all the Landes Countreyes and Territoryes upon the Coastes and Confynes of the Seas Streightes Bayes Lakes Rivers Creekes and Soundes aforesaid which are not now actually possessed by any of our Subjectes or by the Subjectes of any other Christian Prince or State NOW KNOW YEE that Wee being desirous to promote all Endeavours tending to the publique good of our people and to encourage the said undertakeing HAVE of our especiall grace certaine knowledge and meere mocion Given granted ratified and confirmed And by these Presentes for us our heires and Successors DOE give grant ratifie and confirme unto our said Cousin Prince Rupert Christopher Duke of Albemarle William Earle of Craven Henry Lord Arlington Anthony Lord Ashley Sir John Robinson Sir Robert Vyner Sir Peter Colleton Sir Edward Hungerford Sir Paul Neile Sir John Griffith and Sir Phillipp Carterett James Hayes John Kirke Francis Millington William Prettyman John Fenn and John Portman That they and such others as shall bee admitted into the said Society as is hereafter expressed shall bee one Body Corporate and Politique in deed and in name by the name of the Governor and Company of Adventurers of England tradeing into Hudsons Bay and them by the name of the Governor and Company of Adventurers of England tradeing into Hudsons Bay one Body Corporate and Politique in deede and in name really and fully for ever for us our heirs and successors WEE DOE make ordeyne constitute establish confirme and declare by these Presentes and that by the same name of Governor & Company of Adventurers of England Tradeing into Hudsons Bay they shall have perpetuall succession And that they and their successors by the name of the Governor and Company of Adventurers of England tradeing into Hudsons Bay bee and at all tymes hereafter shall bee persons able and capable in Law to have purchase

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receive possesse enjoy and retheyne Landes Rentes privileges libertyes Jurisdictions Franchyses and hereditamentes of what kinde nature and quality soever they bee to them and their Successors And alsoe to give grant demise alien assigne and dispose Landes Tenementes and hereditamentes and to doe and execute all and singuler other thinges by the same name that to them shall or may apperteyne to doe And that they and their Successors by the name of the Governor and Company of Adventurers of England Tradeing into Hudsons Bay may pleade and bee impleaded answere and bee answered defend and bee defended in whatsoever Courtes and places before whatsoever Judges and Justices and other persons and Officers in all and singuler Accions Pleas Suits Quarrells causes and demandes whatsoever of whatsoever kinde nature or sort in such manner and forme as any other our Liege people of this our Realme of England being persons able and capable in Lawe may or can have purchase receive possesse enjoy retheyne give grant demise alien assigne dispose pleade defend and bee defended doe permitt and execute And that the said Governor and Company of Adventurers of England Tradeing into Hudsons Bay and their successors may have a Common Seale to serve for all the causes and businesses of them and their Successors and that itt shall and may bee lawfull to the said Governor and Company and their Successors the same Seall from tyme to tyme at their will and pleasure to breake change and to make a new or alter as to them shall seeme expedient AND FURTHER WEE WILL And by these presentes for us our Heires and successors WEE doe ordeyne that there shall bee from henceforth one of the same Company to bee elected and appointed in such forme as hereafter in these presentes is expressed which shall be called The Governor of the said Company And that the said Governor and Company shall or may elect seaven of their number in such forme as hereafter in these presentes is expressed which shall bee called the Committee of the said Company which Committee of seaven or any three of

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them together with the Governor or Deputy Governor of the said Company for the tyme being shall have the direction of the Voyages of and for the said Company and the Provision of the Shipping and Merchandizes thereunto belonging and alsoe the sale of all merchandizes Goodes and other thinges returned in all or any the Voyages or Shippes of or for the said Company and the manning and handling of all other busness affaires and thinges belonging to the said Company AND WEE WILL ordeyne and Grant by these presentes for us our heires and successors unto the said Governor and Company and their successors that they the said Governor and Company and their successors shall from henceforth for ever bee ruled ordered and governed according to such manner and forme as is hereafter in these presentes expressed and not otherwise And that they shall have hold retheyne and enjoy the Grantes Libertyes Priviledges Jurisdiccions and Immunityes only hereafter in these presentes granted and expressed and noe other And for the better execucion of our will and Grant in this behalfe WEE HAVE ASSIGNED nominated constituted and made And by these presentes for us our heires and successors WEE DOE ASSIGNE nominate constitute and make our said Cousin PRINCE RUPERT to bee the first and present Governor of the said Company and to continue in the said Office from the date of these presentes untill the tenth of November then next following if hee the said Prince Rupert shall soe long live and soe untill a new Governor bee chosen by the said Company in forme hereafter expressed AND ALSOE WEE HAVE assigned nominated and appointed And by these presentes for us our heires and Successors WEE DOE assigne nominate and constitute the said Sir John Robinson Sir Robert Vyner Sir Peter Colleton James Hayes John Kirke Francis Millington and John Portman to bee the seaven first and present Committees of the said Company from the date of these presentes untill the said tenth Day of November then alsoe next following and soe untill new Committees shall bee chosen in forme hereafter expressed AND

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FURTHER WEE WILL and grant by these presentes for us our heires and Successors unto the said Governor and Company and their successors that itt shall and may bee lawfull to and for the said Governor and Company for the tyme being or the greater part of them present at any publique Assembly commonly called the Court Generall to bee holden for the said Company the Governor of the said Company being alwayes one from tyme to tyme to elect nominate and appoint one of the said Company to bee Deputy to the said Governor which Deputy shall take a corporall Oath before the Governor and three or more of the Committee of the said Company for the tyme being well truely and faithfully to execute his said Office of Deputy to the Governor of the said Company and after his Oath soe taken shall and may from tyme to tyme in the absence of the said Governor exercise and execute the Office of Governor of the said Company in such sort as the said Governor ought to doe AND FURTHER WEE WILL and Grant and by these presentes for us our heires and Successors unto the said Governor and Company of Adventurers of England trading into Hudsons Bay and their Successors That they or the greater part of them whereof the Governor for the Tyme being or his Deputy to bee one from tyme to tyme and at all tymes hereafter shall and may have authority and power yearly and every yeare betweene the first and last day of November to assemble and meete together in some convenient place to bee appointed from tyme to tyme by the Governor or in his absence by the Deputy of the said Governor for the tyme being And that they being soe assembled itt shall and may bee lawfull to and for the said Governor or Deputy of the said Governor and the said Company for the tyme being or the greater part of them which then shall happen to bee present whereof the Governor of the said Company or his Deputy for the tyme being to bee one to elect and nominate one of the said Company which shall bee Governor of the same Company for one whole yeare then next following which person being soe elected and nominated

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to bee Governor of the said Company as is aforesaid before hee bee admitted to the Execucion of the said Office shall take a Corporall Oath before the last Governour being his Predecessor or his Deputy and any three or more of the Committee of the said Company for the tyme being that hee shall from tyme to tyme well and truely execute the Office of Governour of the said Company in all thinges concerneing the same and that Ymediately after the same Oath soe taken hee shall and may execute and use the said Office of Governor of the said Company for one whole yeare from thence next following and in like sort Wee will and grant that aswell every one of the above named to bee of the said Company or fellowshipp as all other hereafter to bee admitted or free of the said Company shall take a Corporall Oath before the Governor of the said Company or his Deputy for the tyme being to such effect as by the said Governor and Company or the greater part of them in any publick Court to bee held for the said Company shall bee in reasonable and legall manner sett down and devised before they shall bee allowed or admitted to Trade or traffique as a freeman of the said Company AND FURTHER WEE WILL and grant by these presentes for us our heires and successors unto the said Governor and Company and their successors that the said Governor or Deputy Governor and the rest of the said Company and their successors for the tyme being or the greater part of them whereof the Governor or the Deputy Governor from tyme to tyme to bee one shall and may from tyme to tyme and at all tymes hereafter have power and authority yearely and every yeare betweene the first and last day of November to assemble and meete together in some convenient place from tyme to tyme to be appointed by the said Governour of the said Company or in his absence by his Deputy and that they being soe assembled itt shall and may bee lawfull to and for the said Governor or his Deputy and the Company for the tyme being or the greater part of them which then shall happen to bee present whereof the Governor of the said Company

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or his Deputy for the tyme being to bee one to elect and nominate seaven of the said Company which shall bee a Committee of the said Company for one whole yeare from thence next ensuing which persons being soe elected and nominated to bee a Committee of the said Company as aforesaid before they bee admitted to the execucion of their Office shall take a Corporall Oath before the Governor or his Deputy and any three or more of the said Committee of the said Company being their last Predecessors that they and every of them shall well and faithfully performe their said Office of Committees in all thinges concerneing the same And that immediately after the said Oath soe taken they shall and may execute and use their said Office of Committees of the said Company for one whole yeare from thence next following AND MOREOVER Our will and pleasure is And by these presentes for us our heires and successors WEE DOE GRANT unto the said Governor and Company and their successors that when and as often as itt shall happen the Governor or Deputy Governor of the said Company for the tyme being at any tyme within one yeare after that hee shall bee nominated elected and sworne to the Office of the Governor of the said Company as is aforesaid to dye or to bee removed from the said Office which Governor or Deputy Governor not demeaneing himselfe well in his said Office WEE WILL to bee removeable at the Pleasure of the rest of the said Company or the greater part of them which shall bee present at their publick assemblies commonly called their Generall Courtes holden for the said Company that then and soe often itt shall and may be lawfull to and for the Residue of the said Company for the tyme being or the greater part of them within convenient tyme after the death or removeing of any such Governor or Deputy Governor to assemble themselves in such convenient place as they shall thinke fitt for the eleccion of the Governor or Deputy Governor of the said Company and that the said Company or the greater part of them being then and there present shall and may then and there

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before their departure from the said place elect and nominate one other of the said Company to be Governor or Deputy Governor for the said Company in the place and stead of him that soe dyed or was removed which person being soe elected and nominated to the Office of Governor or Deputy Governor of the said Company shall have and exercise the said Office for and during the residue of the said yeare taking first a Corporall Oath as is aforesaid for the due execution thereof And this to be done from tyme to tyme soe often as the case shall soe require AND ALSOE Our Will and Pleasure is and by these presentes for us our heires and successors WEE doe grant unto the said Governor and Company that when and as often as itt shall happen any person or persons of the Committee of the said Company for the tyme being at any tyme within one yeare next after that they or any of them shall be nominated elected and sworne to the Office of Committee of the said Company as is aforesaid to dye or to be removed from the said Office which Committees not demeaning themselves well in their said Office Wee will to be removeable at the pleasure of the said Governor and Company or the greater part of them whereof the Governor of the said Company for the tyme being or his Deputy to be one that then and soe often itt shall and may be lawfull to and for the said Governor and the rest of the Company for the tyme being or the greater part of them whereof the Governor for the tyme being or his Deputy to be one within convenient tyme after the death or removing of any of the said Committee to assemble themselves in such convenient place as is or shall be usuall and accustomed for the election of the Governor of the said Company or where else the Governor of the said Company for the tyme being or his Deputy shall appoint And that the said Governor and Company or the greater part of them whereof the Governor for the tyme being or his Deputy to be one being then and there present shall and may then and there before their Departure from the said place elect and nominate one or more of the said Company to be of

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the Committee of the said Company in the place and stead of him or them that soe died or were or was soe removed which person or persons soe elected and nominated to the Office of Committee of the said Company shall have and exercize the said Office for and dureing the residue of the said yeare takeing first a Corporall Oath as is aforesaid for the due execucion thereof and this to bee done from tyme to tyme soe often as the case shall require And to the end the said Governor and Company of Adventurers of England Tradeing into Hudsons Bay may bee encouraged to undertake and effectually to prosecute the said designe of our more especial grace certaine knowledge and meere Mocion WEE HAVE given granted and confirmed And by these presentes for us our heires and successors DOE give grant and confirme unto the said Governor and Company and their successors the sole Trade and Commerce of all those Seas Streights Bayes Rivers Lakes Creekes and Soundes in whatsoever Latitude they shall bee that lie within the entrance of the Streights commonly called Hudsons Streights together with all the Landes and Territoryes upon the Countryes Coastes and confynes of the Seas Bayes Lakes Rivers Creekes and Soundes aforesaid that are not already actually possessed by or granted to any of our Subjectes or possessed by the Subjectes of any other Christian Prince or State with the Fishing of all Sortes of Fish Whales Sturgions and all other Royall Fishes in the Seas Bayes Isletes and Rivers within the premisses and the Fish therein taken together with the Royalty of the Sea upon the Coastes within the Lymittes aforesaid and all Mynes Royall aswell discovered as not discovered of Gold Silver Gemms and pretious Stones to bee found or discovered within the Territoryes Lymittes and Places aforesaid And that the said Land bee from henceforth reckoned and reputed as one of our Plantacions or Colonyes in America called *Ruperis Land* AND FURTHER WEE DOE by these presentes for us our heires and successors make create and constitute the said Governor and Company for the tyme being and their successors

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{ the true and absolute Lordes and Proprietors of the same Territory lymittes and places aforesaid And of all other the premisses SAVING ALWAYS the faith Allegiance and Sovereigne Dominion due to us our heires and successors for the same To HAVE HOLD possesse and enjoy the said Territory lymittes and places and all and singuler other the premisses hereby granted as aforesaid with their and every of their Rightes Members Jurisdictions Prerogatives Royalties and Appurtenances whatsoever to them the said Governor and Company and their Successors for ever TO BEE HOLDEN of us our heires and successors as of our Mannor of East Greenwich in our County of Kent in free and common Soccage and not in Capite or by Knightes Service YEILDING AND PAYING yearly to us our heires and Successors for the same two Elkes and two Black beavers whensoever and as often as Wee our heires and successors shall happen to enter into the said Countreyes Territoryes and Regions hereby granted AND FURTHER our will and pleasure is And by these presentes for us our heires and successors WEE DOE grant unto the said Governor and Company and to their successors that itt shall and may be lawfull to and for the said Governor and Company and their successors from tyme to tyme to assemble themselves for or about any the matters causes affaires or buisnesses of the said Trade in any place or places for the same convenient within our Dominions or elsewhere and there to hold Court for the said Company and the affaires thereof And that alsoe itt shall and may bee lawfull to and for them and the greater part of them being soe assembled and that shall then and there bee present in any such place or places whereof the Governor or his Deputy for the tyme being to bee one to make ordeyne and constitute such and soe many reasonable Lawes Constitucions Orders and Ordinances as to them or the greater part of them being then and there present shall seeme necessary and convenient for the good Government of the said Company and of all Governors of Colonyes Fortes and Plantacions Factors Masters

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Mariners and other Officers employed or to bee employed in any of the Territoryes and Landes aforesaid and in any of their Voyages and for the better advancement and continuance of the said Trade or Traffick and Plantacions and the same Lawes Constitucions Orders and Ordinances soe made to putt in use and execute accordingly and at their pleasure to revoake and alter the same or any of them as the occasion shall require [And that the said Governor and Company soe often as they shall make ordeyne or establish any such Lawes Constitucions Orders and Ordinances in such forme as aforesaid shall and may lawfully impose ordeyne limitt and provide such paines penalties and punishmentes upon all Offenders contrary to such Lawes Constitucions Orders and Ordinances for any of them as to the said Governor and Company for the tyme being or the greater part of them then and there being present the said Governor or his Deputy being alwayes one shall seeme necessary requisite or convenient for the observacion of the same Lawes Constitucions Orders and Ordinances And the same Fynes and Amerciamentes shall and may by their Officers and Servantes from tyme to tyme to bee appointed for that purpose levy take and have to the use of the said Governor and Company and their successors without the impediment of us our heires or successors or of any the Officers or Ministers of us our heires or successors and without any accompt therefore to us our heires or successors to bee made [All and singuler which Lawes Constitucions Orders and Ordinances soe as aforesaid to bee made WEE WILL to bee duely observed and kept under the paines and penalties therein to bee conteyned soe alwayes as the said Lawes Constitucions Orders and Ordinances Fynes and Amerciamentes bee reasonable and not contrary or repugnant but as neare as may bee agreeable to the Lawes Statutes or Customes of this our Realme] AND FURTHERMORE of our ample and abundant grace certaine knowledge and meere mocion WEE HAVE granted and by these presentes for us our heires and successors DOE grant

*Letting
promiss*

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unto the said Governor and Company and their Successors That they and their Successors and their Factors Servantes and Agentes for them and on their behalfe and not otherwise shall for ever hereafter have use and enjoy not only the whole Entire and only Trade and Traffick and the whole entire and only liberty use and priviledge of tradeing and Trafficking to and from the Territory Lymittes and places aforesaid but alsoe the whole and entire Trade and Trafficke to and from all Havens Bayes Creekes Rivers Lakes and Seas into which they shall find entrance or passage by water or Land out of the Territories Lymittes or places aforesaid and to and with all the Natives and People Inhabitting or which shall inhabit within the Territories Lymittes and places aforesaid and to and with all other Nacions Inhabitting any the Coaste adjacent to the said Territories Lymittes and places which are not already possessed as aforesaid or whereof the sole liberty or priviledge of Trade and Trafficke is not granted to any other of our Subjectes AND WEE of our further Royall favour And of our more especiall grace certaine knowledge and meere Mocion HAVE granted and by these presentes for us our heires and Successors DOE grant to the said Governor and Company and to their Successors That neither the said Territories Lymittes and places hereby Granted as aforesaid nor any part thereof nor the islandes Havens Portes Cittyes Townes or places thereof or therein conteyned shall bee visited frequented or haunted by any of the Subjectes of us our heires or successors contrary to the true meaneing of these presentes and by vertue of our Prerogative Royall which wee will not have in that behalfe argued or brought into Question WEE STREIGHTLY Charge Command and prohibitt for us our heires and Successors all the subjectes of us our heires and Successors of what degree or Quality soever they bee that none of them directly or indirectly doe visit haunt frequent or Trade Trafficke or Adventure by way of Merchandize into or from any the said Territories Lymittes or Places hereby granted or any or either of

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them other then the said Governor and Company and such perticuler persons as now bee or hereafter shall bee of that Company their Agentes Factors and Assignes unlesse itt bee by the Lycence and agreement of the said Governor and Company in writing first had and obteyned under their Common Seale to bee granted upon paine that every such person or persons that shall Trade or Trafficke into or from any the Countreyes Territoryes or Lymittes aforesaid other then the said Governor and Company and their Successors shall incurr our Indignacion and the forfeiture and the losse of the Goodes Merchandizes and other thinges whatsoever which soe shall bee brought into this Realme of England or any the Dominions of the same contrary to our said Prohibicion or the purport or true meaneing of these presentes for which the said Governor and Company shall finde take and seize in other places out of our Dominions where the said Company their Agentes Factors or Ministers shall Trade Traffick inhabitt by vertue of these our Letters Patente As alsoe the Shipp and Shippes with the Furniture thereof wherein such goodes Merchandizes and other thinges shall bee brought or found the one halfe of all the said Forfeitures to bee to us our heires and successors and the other halfe thereof WEE DOE by these Presentes cleerely and wholly for us our heires and Successors Give and Grant unto the said Governor and Company and their Successors AND FURTHER all and every the said Offenders for their said contempt to suffer such other punishment as to us our heires or Successors for soe high a contempt shall seeme meete and convenient and not to bee in any wise delivered untill they and every of them shall become bound unto the said Governor for the tyme being in the summe of one thousand Poundes at the least at noe tyme then after to Trade or Traffick into any of the said places Seas Streightes Bayes Portes Havens or Territoryes aforesaid contrary to our Expresse Commandment in that behalfe herein sett downe and published AND FURTHER of our more especiall grace WEE HAVE condiscended and granted

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And by these presentes for us our heires and Successors doe grant unto the said Governor and Company and their successors That Wee our heires and Successors will not Grant liberty lycence or power to any person or persons whatsoever contrary to the tenour of these our Letters Patente to Trade trafficke or inhabit unto or upon any the Territoryes lymittes or places afore specified contrary to the true meaneing of these presentes without the consent of the said Governor and Company or the most part of them AND of our more abundant grace and favour to the said Governor and Company WEE DOE hereby declare our will and pleasure to bee that if it shall soe happen that any of the persons free or to bee free of the said Company of Adventurers of England Tradeing into Hudsons Bay who shall before the going forth of any Shipp or Shippes appointed for A VOYAGE or otherwise promise or agree by Writeing under his or their handes to adventure any summe or Sumes of money towards the furnishing any provision or maintainance of any voyage or voyages sett forth or to bee sett forth or intended or meant to bee sett forth by the said Governor and Company or the more part of them present at any Publick Assembly commonly called their Generall Court shall not within the Space of twenty Dayes next after Warneing given to him or them by the said Governor or Company or their knowne Officer or Minister bring in and deliver to the Treasurer or Treasurers appointed for the Company such summes of money as shall have beene expressed and sett downe in writeing by the said Person or Persons subscribed with the name of the said Adventurer or Adventurers that then and at all Tymes after itt shall and may bee lawfull to and for the said Governor and Company or the more part of them present WHEREOF the said Governor or his Deputy to bee one at any of their Generall Courtes or Generall Assemblies to remove and disfranchise him or them and every such person and persons at their wills and pleasures and hee or they soe removed and disfranchised not to bee permitted to trade into the Countryes Terri-

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toryes and Lymittes aforesaid or any part thereof nor to have any Adventure or Stock goeing or remaineing with or amongst the said Company without the speciall lycence of the said Governor and Company or the more part of them present at any Generall Court first had and obteyned in that behalfe Any thing before in these presentes to the contrary thereof in any wise notwithstanding AND OUR WILL AND PLEASURE IS And hereby wee doe alsoe ordeyne that itt shall and may bee lawfull to and for the said Governor and Company or the greater part of them whereof the Governor for the tyme being or his Deputy to bee one to admitt into and to bee of the said Company all such Servantes or Factors of or for the said Company and all such others as to them or the most part of them present at any Court held for the said Company the Governor or his Deputy being one shall bee thought fitt and agreeable with the Orders and Ordinances made and to bee made for the Government of the said Company AND FURTHER Our will and pleasure is And by these presentes for us our heires and Successors WEE DOE grant unto the said Governor and Company and to their Successors that itt shall and may bee lawfull in all Elections and Bye-Lawes to bee made by the Generall Court of the Adventurers of the said Company that every person shall have a number of votes according to his Stock that is to say for every hundred poundes by him subscribed or brought into the present Stock one vote and that any of these that have Subscribed lesse then one hundred poundes may joyne their respective summes to make upp one hundred poundes and have one vote joyntly for the same and not otherwise AND FURTHER of our especiall grace certaine knowledge and meere mocion WEE DOE for us our heires and successors grant to and with the said Governor and Company of Adventurers of England Tradeing into Hudsons Bay that all Landes Islandes Territoryes Plantacions Fortes Fortificacions Factoryes or Colonies where the said Companies Factoryes and Trade are or shall bee within any the Portes and places afore

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lymitted shall bee ymediately and from henceforth under the power and command of the said Governor and Company theire Successors and Assignes SAVING the faith and Allegiance due to bee performed to us our heires and successors as aforesaid and that the said Governor and Company shall have liberty full Power and authority to appoint and establish Governors and all other Officers to governe them And that the Governor and his Council of the severall and respective places where the said Company shall have Plantacions Fortes Factoryes Colonyes or Places of Trade within any the Countreyes Landes or Territoryes hereby granted may have power to judge all persons belonging to the said Governor and Company or that shall live under them in all Causes whether Civill or Criminall according to the Lawes of this Kingdome and to execute Justice accordingly And in case any crime or misdemeanor shall bee committed in any of the said Companyes Plantacions Fortes Factoryes or Places of Trade within the Lymittes aforesaid where Judicature cannot bee executed for want of a Governor and Council there then in such case itt shall and may bee lawfull for the chiefe Factor of that place and his Council to transmitt the party together with the offence to such other Plantacion Factory or Fort where there shall bee a Governor and Council where Justice may bee executed or into this Kingdome of England as shall bee thought most convenient there to receive such punishment as the nature of his offence shall deserve] AND MOREOVER Our will and pleasure is And by these presentes for us our heires and Successors [WEE DOE GIVE and grant unto the said Governor and Company and theire Successors free Liberty and Lycence in case they conceive it necessary to send either Shippes of War Men or Amunition unto any theire Plantacions Fortes Factoryes or Places of Trade aforesaid for the security and defence of the same and to choose Commanders and Officers over them and to give them power and authority by Commission under theire Common Seale or otherwise to continue or make peace

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or Warre with any Prince or People whatsoever that are not Christians in any places where the said Company shall have any Plantacions Fortes or Factoryes]or adjacent thereunto as shall bee most for the advantage and benefitt of the said Governor and Company and of their Trade and alsoe to[r]ight and recompence themselves upon the Goodes Estates or people of those partes by whome the said Governor and Company shall susteyne any injury losse or dammage or upon any other People whatsoever that shall any way contrary to the intent of these presentes interrupt wrong or injure them]in their said Trade within the said places Territoryes and Lymittes granted by this Charter and that]itt shall and may bee lawfull to and for the said Governor and Company and their Successors from tyme to tyme and at all tymes from henceforth to Erect and build such Castles Fortificacions Fortes Garrisons Colonyes or Plantacions Townes or Villages in any partes or places within the Lymittes and Boundes granted before in these presentes unto the said Governor and Company as they in their Discrecions shall thinke fitt and requisite and for the supply of such as shall bee needefull and convenient to keepe and bee in the same to send out of this Kingdome to the said Castles Fortes Fortificacions Garrisons Colonyes Plantacions Townes or Villages all Kindes of Cloathing Provision of Victuales Ammunition and Implementes necessary for such purpose paying the Dutyes and Customes for the same] As alsoe to transport and carry over such number of Men being willing thereunto or not prohibited as they shall thinke fitt and alsoe to governe them in such legall and reasonable manner as the said Governor and Company shall thinke best and to inflict punishment for misdemeanors or impose such Fynes upon them for breach of their Orders as in these Presentes are formerly expressed AND FURTHER Our will and pleasure is And by these presentes for us our heires and Successors WEE DOE grant unto the said Governor and Company and to their Successors full Power and lawfull authority to seize upon

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the Persons of all such English or any other our Subjectes which shall saile into Hudsons Bay or Inhabit in any of the Countryes Islandes or Territoryes hereby Granted to the said Governor and Company without their leave and Licence in that Behalfe first had and obteyned or that shall contemne or disobey their Orders and send them to England and that all and every Person and Persons being our Subjectes any wayes Employed by the said Governor and Company within any the Partes places and Lymittes aforesaid shall bee lyable unto and suffer such punnishment for any Offences by them committed in the Partes aforesaid as the President and Councill for the said Governor and Company there shall thinke fitt and the meritt of the offence shall require as aforesaid And in case any Person or Persons being convicted and Sentenced by the President and Councill of the said Governor and Company in the Countryes Landes or Lymittes aforesaid their Factors or Agentes there for any Offence by them done shall appeale from the same That then and in such Case itt shall and may be lawfull to and for the said President and Councill Factors or Agentes to seize upon him or them and to carry him or them home Prisoners into England to the said Governor and Company there to receive such condigne punnishment as his Cause shall require and the Law of this Nacion allow of and for the better discovery of abuses and injurys to bee done unto the said Governor and Company or their Successors by any Servant by them to bee employed in the said Voyages and Plantacions itt shall and may be lawfull to and for the said Governor and Company and their respective Presidentes Chiefe Agent or Governor in the partes aforesaid to examine upon Oath all Factors Masters Pursers Supra Cargoes Commanders of Castles Fortes Fortificacions Plantacions or Colonyes or other Persons touching or concerneing any matter or thing in which by Law or usage an Oath may bee administred soe as the said Oath and the matter therein conteyned bee not repugnant but agreeable to the Lawes of this Realme AND WEE DOE

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hereby streightly charge and Command all and singuler our Admiralls Vice-Admiralls Justices Mayors Sherriiffs Constables Bayliffes and all and singuler other our Officers Ministers Liege Men and Subjectes whatsoever to bee ayding favouring helping and assisting to the said Governor and Company and to their Successors and to their Deputyes Officers Factors Servantes Assignes and Ministers and every of them in executeing and enjoy- ing the premisses as well on Land as on Sea from tyme to tyme when any of you shall thereunto bee required ANY STATUTE Act Ordinance Proviso Proclamacion or restraint heretofore had made sett forth ordeyned or provided or any other matter cause or thing whatsoever to the contrary in any wise notwithstanding In witnes WHEREOF wee have caused these our Letters to bee made Patentes WITNES OURESELF at Westminster the second day of May in the two and twentieth yeare of our Raigne

By Writt of Privy Seale

PIGOTT

SUPPLEMENTAL CHARTER TO THE
HUDSON'S BAY COMPANY

1884, SEPTEMBER 9

SUPPLEMENTAL CHARTER

A.D.
1884

9th September, 1884

VICTORIA, by the grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith Empress of India. To ALL TO WHOM these Presents shall come, Greeting.

WHEREAS by a Royal charter granted on the second day of May in the two and twentieth year of the reign of His late Majesty King Charles the Second (in this Our Charter called 'the original Charter') a Company was incorporated by the name of 'The Governor and Company of Adventurers of England trading into Hudson's Bay' with a Common Seal for the purpose of trading within the territories mentioned in said original Charter:

AND WHEREAS by the said original Charter after declaring that one of the Company should be elected in manner thereafter mentioned to be called the Governor of the Company and that the said Governor and Company should or might elect seven of their members in such form as thereafter mentioned to be called the Committee of the Company which Committee of seven or any three of them together with the Governor or the Deputy Governor for the time being should have the general management of the affairs of the Company it was declared that the Governor and Company and their successors should from thenceforth for ever be ruled ordered and governed

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according to such manner and form as was thereafter expressed and not otherwise.

AND WHEREAS by the said original Charter after appointing Prince Rupert to be the first Governor of the Company and seven persons to be the seven first Committees of the Company it was provided that it should and might be lawful to or for the said Governor and Company for the time being or the greater part of them at any public assembly commonly called the Court General to be holden for the said Company the Governor of the said Company being always one from time to time to elect nominate and appoint one of the said Company to be Deputy to the said Governor which Deputy should take a corporal Oath before the Governor and three or more of the Committee of the said Company for the time being well and truly and faithfully to execute his said Office of Deputy to the Governor of the said Company and after his Oath so taken should and might from time to time in the absence of the said Governor exercise and execute the Office of Governor of the said Company in such sort as the said Governor ought to do.

AND WHEREAS the said original Charter similarly provided for the election in each and every year between the first and last day of November of one of the Company to be Governor for one whole year then next following and required the Governor or Deputy Governor for the time being to be present at each such election and required the person so elected to be Governor of the Company before being admitted to execute his Office to take a corporal Oath before the last Governor being his predecessor or his Deputy and any three or more of the Committee of the said Company for the time being that he would well and truly execute the office of Governor.

AND WHEREAS the said original Charter similarly provided for the election in each and every year between the first and last day of November of seven of the Company to be a Committee of the Company for one whole year then next ensuing and required the Governor or the

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Deputy Governor of the Company for the time being to be present at each such election and required the persons so elected to be a Committee of the Company before being admitted to execute their office to take a corporal Oath that they and every of them should well and faithfully perform their office of Committee.

AND WHEREAS the said original Charter similarly provided for the election of a Governor or a Deputy-Governor of the Company in the event of the Governor or Deputy-Governor for the time being at any time within one year after being elected and sworn to the Office of Governor or Deputy Governor dying or being removed from his office (which Governor or Deputy-Governor not demeaning himself well in his office was to be removeable at the pleasure of the rest of the Company or the greater part of them present at a General Court) and provided that the Governor or Deputy Governor so elected should hold office for the residue of the said year and before being admitted to execute his office should take a corporal Oath as aforesaid.

AND WHEREAS the said original Charter similarly provided in the event of any person or persons of the Committee of the Company for the time being within one year after being elected and sworn to such office dying or being removed from his or their Office (which Committee not demeaning themselves well in their said office were to be removeable at the pleasure of the Governor and Company or the greater part of them whereof the Governor for the time being or his Deputy should be one) for the election of one or more of the Company to be of the Committee in the place of him or them dying or being removed as aforesaid and the said original Charter provided that the person or persons so elected should hold office for the residue of the said year and before being admitted to execute the office of Committee should take a corporal Oath as aforesaid and the Governor or the Deputy-Governor for the time being was required to be present at each such Election.

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HUDSON'S BAY COMPANY

AND WHEREAS by the said Original Charter the Governor and Company were empowered to assemble themselves and hold Court for the Company and the affairs thereof. And it was thereby declared that it should be lawful for them and the greater part of them present at such assembly whereof the Governor or his Deputy for the time being should be one, to make ordain and constitute such and so many laws constitutions orders and ordinances as to them or the greater part of them being there present should seem necessary and convenient for the good government of the Company and at their pleasure to revoke and alter the same or any of them as the occasion should require.

AND WHEREAS by the said original Charter the Governor or Deputy Governor for the time being was required to be present at the admission into the Company of servants factors and other persons.

AND WHEREAS by the said Original Charter it was declared that it should be lawful in all elections and bye-laws to be made by the General Court of the Adventurers of the said Company that every person should have a number of Votes according to his Stock that was to say, for every hundred pounds by him subscribed or brought into the present Stock one Vote and that any of those who had subscribed less than One hundred pounds might join their respective sums to make up One hundred pounds and have one Vote jointly for the same and not otherwise.

AND WHEREAS by a deed under the seal of the Company dated the nineteenth November One thousand eight hundred and sixty nine certain rights of government and other rights and privileges granted by the said original Charter, but not affecting the subject matter of this Our Charter, were duly surrendered to Her Majesty and such surrender was duly accepted by Her Majesty by an Instrument under Her Sign Manual.

AND WHEREAS for many years the Capital of the Company has comprised no Stock but has been and is now

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divided into shares of equal value and it is desirable that the qualification for Votes should be changed from the holding of Stock in the Company to the holding of Shares therein.

AND WHEREAS many of the provisions contained in the Original Charter have been found very inconvenient in practice and are not in accordance with the usual provisions regulating the affairs of modern Companies and in particular the following provisions have been found very inconvenient that is to say the provisions requiring the Governor, Deputy-Governor and Committee to be elected every year and fixing the date of the election between the first and last day of November, the provisions requiring the presence of the Governor or Deputy-Governor at the General Courts for the elections of Governors or Members of the Committee and at the General Courts assembled for the purpose of making bye-laws and on other occasions specified in the said original Charter, the provisions requiring a corporal Oath to be taken by the Governor, Deputy-Governor and Committee and by certain other persons on certain occasions.

AND WHEREAS in addition to the above provisions complained of, the absence of any power in the said original Charter enabling the Governor Deputy-Governor or any member of the Committee to resign office, or enabling Votes to be taken by proxy and the absence of several other powers usually given to trading Companies for the better regulation of their internal affairs has been found in practice to be very inconvenient and detrimental to the interests of the Company.

AND WHEREAS the Company is desirous that the provisions in the Original Charter above complained of should be cancelled or modified and has applied to Us for a Supplemental Charter embodying more suitable provisions.

Now know ye that We by these Presents do will and ordain that the several provisions contained in the said original Charter relating to the election to the office of

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HUDSON'S BAY COMPANY

Governor Deputy Governor or Committee, and to the filling up of any vacancy in any such office and requiring corporal Oaths to be taken and the other provisions contained in the said original Charter shall so far as they are inconsistent with the provisions contained in this Our Charter on and after the day of the date of this Our Charter cease to be in force and be annulled.

AND We do hereby further will and ordain that notwithstanding anything contained in the original Charter the presence of the Governor or Deputy-Governor at any General Court or at any Meeting of the Governor Deputy-Governor and Committee (who are hereinafter collectively referred to as the Board) shall not be essential for the proper holding of such Court or Board Meeting, and that nothing done in any General Court or Meeting of the Board shall be questioned or disputed on the ground of the absence of the Governor or Deputy Governor from such General Court or Meeting of the Board and that in case neither the Governor nor Deputy Governor happen to be present at any such General Court or Meeting of the Board at the appointed time for holding such General Court or Meeting of the Board the Members of the Committee present or the major part of them shall nominate and appoint one of themselves Chairman or President of such Court or Board and that the general powers of management and other powers given by the said Original Charter to any three members of the Committee together with the Governor or Deputy-Governor shall be exerciseable by any four Members of the Board whether the Governor or Deputy-Governor shall form one of such four or not.

AND We do hereby further will and ordain that notwithstanding anything contained in the original Charter, a General Court for the Company shall be held every year at such place and on such day in November or December as may be appointed by the Board.

AND We do hereby further will and ordain that every question submitted to a General Court shall be decided by

a show of hands unless before or upon the declaration of the result of the show of hands a poll is demanded by at least five members present at such General Court, and holding in the aggregate not less than one hundred shares and unless a Poll is so demanded a Declaration by the Chairman that the motion has been carried or lost or carried or lost by a particular majority shall be deemed conclusive evidence of the fact without proof of the number or the proportion of the Votes recorded in favour of or against the motion and that if a Poll is demanded as aforesaid it shall be taken in such manner and at such time and place and either at once or after an interval or adjournment as the Chairman of the General Court directs and the result of such Poll shall be deemed to be the resolution of the General Court at which the Poll was demanded. In case of an equality of Votes the Chairman shall whether on a Show of hands or at the Poll have a Casting Vote in addition to the Vote or Votes to which he may be entitled as a Member.—

In computing a majority when a Poll is demanded reference shall be had to the number of Votes to which each member is entitled by this Our Charter.

AND We do hereby further will and ordain that notwithstanding anything contained in the original Charter every Member of the Company shall have one Vote for every five Shares in the Company held by him and that any of those Members who hold less than five shares may join their respective shares so as to make up five or more shares and have one Vote jointly for the same Provided nevertheless that no member shall be entitled to vote or to join with any other member or members in making up a joint Vote at any General Court in respect of any shares or share unless he shall have been the holder of such Shares or Share for at least six months prior to such General Court.

AND We do hereby further will and ordain that Votes may be given at every General Court either personally or by Proxy, but such Proxy must be a Proprietor in the

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Company and himself entitled to vote and the appointment of every such Proxy must be in writing and must be in the form following or to the like effect, that is to say:

I (or we) appoint my (our) Proxy to vote and act for me (us) and in my (our) name (names) on all questions at the General Court of the Hudson's Bay Company to be held on the day of and every adjournment thereof whereat I (we) shall not be present in person. Dated this of

AND We do hereby further will and ordain that the Chairman may with the consent of the meeting adjourn any General Court from time to time and place to place but that no business shall be transacted at any adjourned General Court other than the business left unfinished at the General Court from which the adjournment took place.

AND We do hereby further will and ordain that notwithstanding anything contained in the original Charter the Governor Deputy Governor and Committee-men shall after the year One thousand eight hundred and eighty four hold their respective offices subject to retirement by rotation as hereinafter provided that is to say, at the General Court to be held in the year One thousand eight hundred and eighty five and at every succeeding General Court three members of the Board shall retire from office and that until all the present Board shall in turn have retired the members of the Board to retire shall from time to time be determined by ballot or otherwise amongst the members of the present Board or such of them as for the time being shall not have retired but afterwards the members of the Board to retire shall be those who shall have been longest in office since their last election and as between members of the Board of equal seniority the member or members to retire shall be determined by lot Provided always that the Governor and Deputy Governor shall not both retire at the same time and that in the ballot for determining who shall retire in the year One thousand eight hundred and eighty five the Governor and Deputy Governor shall not both

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be included but only one of them such one to be determined by lot and in the event of neither the Governor nor the Deputy Governor being selected by ballot to retire in the year One thousand eight hundred and eighty five one of them to be determined by lot shall retire in the year One thousand eight hundred and eighty six. AND provided always that a retiring member of the Board shall be eligible for re-election and that if the retiring Member be the Governor or Deputy Governor of the Company he shall be eligible for re-election or any other member of the Board shall be eligible for election as Governor or Deputy Governor respectively and in the event of any member of the Board being elected to the Office of Governor or Deputy Governor in the place of the retiring Governor or Deputy Governor such member shall be deemed to have retired from his former office.

AND We do hereby further will and ordain that notwithstanding anything contained in the original Charter the Company at any General Court at which any members of the Board retire in manner aforesaid shall if it be the turn for the Governor or Deputy Governor to retire first fill up that office and then shall fill up the other vacated offices including any office rendered vacant by the election of any member of the Board to the Office of Governor or Deputy Governor as aforesaid by electing a like number of persons to be members of the Board and that every election or re-election to the office of Governor Deputy Governor or Committee shall be conducted in the manner and according to the forms from time to time to be prescribed by the bye-laws of the Company and that such notice of the names of every Candidate for election or re-election to any such Office shall be given as may be required by the bye-laws for the time being in force.

AND We do hereby further will and ordain that notwithstanding anything contained in the original Charter any member of the Board may at any time give notice to the Board in writing of his wish to resign and on the

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acceptance of his resignation by the Board but not before his office shall be vacant.

Nothing in this Our Charter contained shall affect the power given by the original Charter to the Company to remove any Governor Deputy-Governor or member of the Committee who should not demean himself well in his respective office.

AND We do hereby further will and ordain that notwithstanding anything in the original Charter contained any casual vacancy occurring among the members of the Board through death resignation removal or other cause except the expiration of the period of office may be filled up by the Board or the remaining members of the Board whatever their number may be and if the casual vacancy occur in the office of Governor or Deputy-Governor such vacancy may be filled by electing any one of the remaining members of the Board and if so filled up a casual vacancy shall be deemed to have occurred in the office of the member of the Board so elected to the office of Governor or Deputy Governor. Provided always that any person so chosen to fill up any casual vacancy shall retain his office until the next General Court held for the election of Members of the Board and at such General Court the Company shall either confirm such person in his office or shall elect some other person to hold such office in his place And Provided always that the person so chosen and confirmed as aforesaid or the person elected by the Company in his stead (as the case may be) shall retain his office so long only as the vacating member of the Board would have retained the same if no vacancy had occurred And Provided always that notwithstanding any vacancy in the Board the continuing members of the Board may act so long as there remains not less than four members of the Board.

AND We do hereby further will and ordain that notwithstanding anything contained in the original Charter the corporal Oath thereby required to be taken on the occasions and by the persons therein mentioned shall no

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longer be required to be taken by any person on any occasion whatsoever.

IN WITNESS whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster the ninth day of September in the forty eighth year of Our reign.

BY WARRANT UNDER THE QUEEN'S SIGN MANUAL.
PALMER.



SUPPLEMENTAL CHARTER TO THE
HUDSON'S BAY COMPANY

1892, MARCH 30

SUPPLEMENTAL CHARTER

A.D.
1892

30th March, 1892

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. TO ALL TO WHOM these presents shall come, Greeting.

WHEREAS by a Royal Charter granted on second May in the twenty-second year of the Reign of His late Majesty King Charles the Second (hereinafter in this Our Charter described as 'the original Charter') the Petitioners were incorporated as a Company by the name of 'The Governor and Company of Adventurers of England trading into 'Hudson's Bay' (hereinafter described as 'the Company') with perpetual succession and a Common Seal for the purpose amongst other things of trading within the territories therein and hereinafter described as Rupert's Land.

AND WHEREAS by the original Charter it was provided that it should and might be lawful for the Company for the time being or the greater part of them which then should happen to be present at any public assembly commonly called the Court General to be holden for the Company in each and every year between the first and last day of November to elect and nominate one of the Company who should be Governor of the Company for one whole year then next following and to elect and nominate one of the Company who should be Deputy-Governor of the Company for one whole year then next following and to elect and nominate seven of the Company who should be a Committee of the Company which Committee or any three of them together with the Governor or Deputy-Governor for the time being should in the

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manner therein mentioned have the managing and handling of all business affairs and things belonging to the Company.

✓ AND WHEREAS by the original Charter the Company were empowered amongst other things to have purchase receive possess enjoy and retain Lands Rents Privileges Liberties Jurisdictions Franchises and Hereditaments and to give grant demise alien assign and dispose of Lands Tenements and Hereditaments and to do and execute all and singular other things by the same name that to them should or might appertain to do.

✓ AND WHEREAS by the original Charter his said Majesty was graciously pleased to grant and confirm unto the Company the sole trade and commerce of Rupert's Land and to create and constitute the Company the true and absolute Lords and Proprietors of Rupert's Land saving always the Faith Allegiance and Sovereign Dominion due to His Majesty his heirs and successors to have and to hold in free and common socage.

AND WHEREAS by the original Charter the Company were further empowered to assemble themselves and to hold Court and therein to make such reasonable Laws Constitutions Orders and Ordinances as to them or the greater part of them being then and there present should seem necessary and convenient for the good government of the Company and for the better advancement of their trade and plantations and at their pleasure to revoke and alter the same.

AND WHEREAS by the original Charter it was further provided that in all elections and bye laws to be made by the General Court of the Adventurers of the Company every person should have a number of votes according to his stock that was to say for every one hundred pounds by him subscribed or brought into the then present stock one vote and that any of those who had subscribed less than One hundred pounds might join their respective sums to make up One hundred pounds and have one vote jointly for the same and not otherwise.

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AND WHEREAS in the year one thousand eight hundred and sixty three in pursuance of the powers in the said original Charter conferred upon them the Company ordered that the capital stock of the Company should be Two million pounds divided into one hundred thousand shares of Twenty pounds each.

AND WHEREAS by 'The British North America Act, '1867' it was enacted that it should be lawful for Us by and with the advice of Our Most Honourable Privy Council on Address from the Houses of Parliament of the Dominion of Canada to admit Rupert's Land into Union with the said Dominion on such terms and conditions as should be in the Address expressed and as We should think fit to approve and it was further enacted that the provisions of any Order in Council in that behalf should have effect as if it had been enacted by the Parliament of the United Kingdom.

AND WHEREAS by 'Rupert's Land Act 1868' it was enacted that it should be competent for the Company to surrender to Us and for Us by any Instrument under Our Sign Manual and Signet to accept a Surrender of all or any of the lands territories rights privileges liberties franchises powers and authorities whatsoever granted or purported to be granted to the Company upon such terms and conditions as should be agreed upon by and between Us and the Company; provided however that such surrender should not be accepted by Us until the terms and conditions upon which Rupert's Land should be admitted into the said Union should have been approved by Us and embodied in an Address to Us from both Houses of the Parliament of the Dominion of Canada.

AND WHEREAS in accordance with the said last-mentioned Act the Company duly surrendered and We by an Instrument under Our Sign Manual and Signet bearing date the twenty second June one thousand eight hundred and seventy duly accepted the surrender of all rights privileges liberties franchises powers and authorities and

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all the lands and territories in the said surrender mentioned (except and subject to the terms in the said surrender mentioned) granted or purported to be granted to the Company.

AND WHEREAS Addresses were duly presented to Us in accordance with the said two last mentioned Acts and in accordance with the terms and conditions therein set forth We were pleased to order by and with the advice of Our Privy Council on the Twenty-Third June one thousand eight hundred and seventy that Rupert's Land should become part of the Dominion of Canada; that Canada should pay to the Company Three hundred thousand pounds; that certain blocks of land adjoining the Company's posts should vest in the Company; that the Company might for fifty years after the said surrender claim in any Township or District in the Fertile Belt as in the said Order defined in which land should be set out for settlement grants of land not exceeding one twentieth part of the lands so set out and that the Company should be at liberty to carry on their trade without hindrance in their corporate capacity.

AND WHEREAS the said sum of Three hundred thousand pounds was duly paid and was applied by the Company in the reduction of their said Capital Stock of Two million pounds by returning to each proprietor Three pounds for every share held by him.

AND WHEREAS from time to time parts of the lands granted to the Company in pursuance of the said Order in Council of one thousand eight hundred and seventy were sold and the proceeds for the most part similarly applied by the Company in the further reduction of their said capital stock which now amounts to one million three hundred thousand pounds divided into one hundred thousand shares of thirteen pounds each.

AND WHEREAS on the ninth September in the forty eighth year of Our Reign by a Supplemental Charter the provisions of the said original Charter were annulled so far as they were inconsistent with the provisions of the

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said supplemental Charter and it was provided amongst other things that the said Governor Deputy Governor and Committee (therein and hereinafter described as the Board) should be enabled to act by any four members thereof whether the Governor or Deputy Governor should form one of such four or not; that a General Court for the Company should be held every year at such place and on such day in November or December as might be appointed by the Board; that every question submitted to a General Court should be decided by a show of hands unless a poll were demanded by at least five present at such General Court and holding in the aggregate not less than one hundred shares; that in computing the majority when a poll should be demanded reference should be had to the number of votes to which each Member should be entitled by the said supplemental Charter; that every Member of the Company should have one vote for every five shares in the Company held by him and that any of those Members who held less than five shares might join their respective shares so as to make up five or more shares and have one vote jointly for the same; that votes might be given personally or by proxy; that the Chairman might with the consent of the Meeting adjourn any General Court and that at every General Court three members of the Board should retire in rotation as therein mentioned but should be eligible for re-election.

AND WHEREAS Bye Laws of the Company have been made under the powers and subject to the provisions of the said Charters.

AND WHEREAS a humble Petition has been presented to Us in Our Council by the Company wherefrom it appears that some of the provisions of Our Charters granted to the Company have become inconvenient and detrimental to the present and prospective interests of the Company and the Company pray that a further Supplemental Charter may be granted embodying provisions such as are in the said Petition expressed to be now necessary or desirable.

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HUDSON'S BAY COMPANY

NOW THEREFORE WE having taken the said Petition into Our Royal consideration in Our Council and being satisfied that the intentions of the Petitioners are praiseworthy do will ordain grant and declare as follows (that is to say):—

*Repeal of
provisions of
the previous
Charters
inconsistent
herewith*

1. THE several provisions contained in the said original Charter and in Our Charter supplemental thereto of the ninth September One thousand eight hundred and eighty four shall so far as they are inconsistent with the provisions contained in this Our Charter on and after the day on which this Our Charter takes effect cease to be in force and be annulled.

*Capital of
the Company*

2. THE Company's present capital stock of One million three hundred thousand pounds shall be called 'the Ordinary Stock' and the existing one hundred thousand shares of Thirteen pounds each in the Ordinary Stock shall be called 'the Ordinary Shares' of the Company. Certificates of shares shall as heretofore be issued and signed by the Secretary or some other person appointed by the Board.

*Voluntary
conversion of
ordinary
shares into
preferred and
deferred
shares by way
of duplication
Application*

3. THE Company upon application as hereinafter mentioned may from time to time convert the ordinary shares referred to in such application into shares of two classes the one to be and to be called Preferred Shares and the other Deferred Shares subject to the provisions and with the incidents following (that is to say):—

(a) ANY holder or holders of ordinary shares may at any time by application in writing require the Company to convert the whole or any part of such shares held by him or them into preferred shares and deferred shares by way of duplication that is to say one preferred share and one deferred share (each of the nominal amount of Thirteen pounds) shall be issued in substitution for one ordinary share and so in proportion for any greater number of shares;

Regulations

(b) THE Board may from time to time make regulations with respect to the notice to be given of such application and the dates on which such conversion shall take place;

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(c) THE certificates for any ordinary shares to be *Certificates* so converted shall before such conversion be de-*for converted* livered up to the Company and cancelled and *shares* certificates for the preferred shares and deferred shares substituted therefor shall be issued in exchange and signed by the Secretary or some other person appointed by the Board;

(d) IF in any case there are any ordinary shares *New Certifi-* held by a member and comprised in one certificate *cates for* which he does not desire to be converted or which *shares not* are incapable of conversion under the provisions of *converted* this Our Charter the Company shall issue to him a Certificate for the Ordinary shares which he does not desire to be converted or which are incapable of conversion together with the Certificates of the preferred or deferred shares to be issued to him;

(e) THE terms and conditions on which preferred *Statement of* shares or deferred shares are issued shall be stated on *terms on* the certificate thereof; *Certificates*

(f) THE books of the Company shall continue to *Classifica-* shew that the capital stock of the Company amounts *tion of Shares* to one million three hundred thousand pounds, but *in the Books* there shall be also set forth in addition thereto the number of ordinary of preferred and of deferred shares into which the said Capital Stock may in all or in part have been converted.

4. THE Company at a General Court may declare a *Declaration* dividend to be paid to the Members out of the profits *of dividend* arising from the undertaking of the Company but no larger dividend shall be declared than that recommended by the Board and the total dividend so declared shall be divided into one hundred thousand equal portions;

(a) THE holders of ordinary shares shall be *Dividend on* entitled to receive in respect of each share one such *ordinary* portion by way of dividend; *shares*

(b) THE preferred and deferred shares issued in *Dividend on* substitution for any ordinary share shall together be *preferred and* *deferred* *shares*

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*Apportion-
ment between
preferred and
deferred
shares*

credited with the same portion of dividend as that to which the ordinary share would but for the conversion have been credited;

(c) SUCH portion of dividend shall be apportioned between the holders of the preferred and deferred shares in the following manner in so far as the same is sufficient for that purpose, that is to say: first, in the payment of a cumulative dividend at the rate of four per centum per annum to the holder of the preferred share; secondly, in the payment of a noncumulative dividend up to eight per centum per annum to the holder of the deferred share; and thirdly, in the payment of any balance in equal portions to the holders of the preferred and deferred shares; but so nevertheless that one preferred and one deferred share shall together be credited with the same amount of dividend in each year as one ordinary share and no more; provided always that for the purpose of apportioning dividends between the holders of preferred and deferred shares all shares at whatever time converted shall be deemed to have been converted on the first July one thousand eight hundred and ninety one and all dividends paid on any ordinary share on or after that date until conversion shall from and after conversion be deemed to have been apportioned between the preferred and deferred shares as if the conversion had taken place on the first July one thousand eight hundred and ninety one and all subsequent dividends shall continue to be apportioned on the same footing;

*Interim
Dividend*

(d) THE Board may if in their opinion the position of the Company justifies it declare an interim dividend and such dividend shall be divided among the members in the same manner as aforesaid provided always that no interim dividend shall be paid in respect of any deferred share until the cumulative dividend on the preferred share shall

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have been provided for up to the end of the then current year.

5. THE sums received by the Company in respect *Dividends* of the sale of lands may (subject to the provisions here- *out of pro-* inafter contained) be applied in the payment of *ceeds of Land* dividends on the shares of the Company to the same *Sales* extent and in the same manner as the profits from the Company's Commercial Undertaking provided;

(a) That no sums received from the sale of lands *Until reduc-* shall be so applied unless the directors of the *tion to one* Company are satisfied upon each occasion of such *million five* application that the value of the unsold lands of the *hundred* Company together with the other assets of the *thousand* Company are sufficient to meet all the liabilities of *acres* the Company including the nominal paid up capital, and

(b) if and when the lands held by the Company have been reduced so as not to exceed one million five hundred thousand acres all further moneys realised by the sale of the said lands shall not be treated as divisible profits but shall be applied in reduction of the capital and other liabilities of the Company in such manner as (subject to the provisions of Our Charters) the Company may determine.

6. IN the event of the winding up of the Company *Division of* the total sum available for division between the holders *the Assets* of ordinary shares and preferred and deferred shares *winding up* shall be divided into one hundred thousand portions and thereupon the holder of each ordinary share shall be entitled to receive one such portion and the preferred and deferred shares issued in substitution for any ordinary share shall together be credited with one such portion and such portion shall be divided between the holders of the preferred and deferred shares in the following manner in so far as the same is sufficient for that purpose that is to say:—first, in the payment of thirteen pounds to the holder of the preferred share,

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and secondly in the payment of any balance to the holder of the deferred share.

*Votes of
Members*

7. AT every General Court every Member of the Company shall have one vote for every five ordinary shares three votes for every twenty preferred shares one vote for every twenty deferred shares held by him and any of those members who hold less of any class of shares than is sufficient to enable them to vote may join their respective shares of the same class so as to make so many of any class as would be sufficient to enable the holder thereof to vote and may vote accordingly; provided nevertheless that no member shall have more than four hundred votes and provided also that no member shall be entitled to vote or to join with any other member or members in making up a joint vote at any General Court in respect of any shares or share unless he shall have been the holder of such shares or share for six calendar months prior to such General Court but Members who convert into preferred and deferred shares during the said six months shall if at the time of the General Court they continue to hold the same shares have the same voting power as if they had not converted during the said six months.

*Register of
Members*

8. THE Company shall cause to be kept in one or more books a Register of its Members and there shall be entered therein the following particulars:—

(a) The names and addresses of the Members of the Company and a statement of the shares of each class held by each Member distinguishing each share by a Number;

(b) The date at which the name of any person was entered in the register as a Member

(c) The date at which any person ceased to be a Member.

*Provisions as
to Registra-
tion of shares
in joint
names*

9. THE Company may require that in the case of shares to which several persons are jointly entitled all the shares to which such persons are so entitled shall be registered in the same name or names and in the same

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order of names and the Company shall not be bound to register the holders of any shares in cases to which this paragraph applies otherwise than in accordance with this paragraph. Where at the time of the granting of this Our Charter any persons are registered otherwise than as aforesaid the Company may amend the register in accordance with this paragraph.

IN case of the death of any one or more of the joint holders of any shares the survivors shall be the only persons recognized by the Company as having any title to or interest in such shares and such one or such joint holders as they shall in manner from time to time required by the Board in that behalf appoint or in default of such appointment the first named of such joint holders or surviving joint holders in the Register shall alone be entitled to receive notices and to attend and vote at meetings of members in respect of such shares.

Nor more than four persons shall after the granting of this Our Charter be entered in the register as the holders of any share.

10. THE Company may from time to time in accordance with a resolution of a General Court borrow or raise money on debentures debenture stock or debenture bonds and secure any money so raised or borrowed and interest thereon at any rate not exceeding four pounds per centum per annum payable half yearly by mortgage or charge of the undertaking or by mortgage or charge of all or any of the real and personal property present or future of the Company or by both such securities and with such conditions as to price of issue right and price of redemption priorities over members and otherwise as may be prescribed by such resolution, provided nevertheless that the total capital debt outstanding under this Article of this Our Charter shall not at any time exceed Two hundred and fifty thousand pounds.

*Power to
raise Two
hundred and
fifty thousand
pounds by
debentures*

11. No person shall be qualified to become a member

*Qualification
of Directors*

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of the Board unless he shall hold in his own right not less than sixty ordinary shares or not less than sixty preferred and sixty deferred shares.

*Number and
rotation of
directors*

12. THE Board including the Governor and Deputy Governor shall consist of not less than seven but not more than nine members and one third of the Directors or the nearest number thereto shall retire each year Provided always that every Member of the Board shall retire every three years. Such retirement shall take place in the manner and with the incidents prescribed in the said Charter of the forty eighth year of Our Reign.

*Time of
General
Court*

13. THE General Court of the Company shall be held every year at such place and on such day of such month as may be appointed by the Board any thing in the Original Charter or Our said Supplemental Charter to the contrary notwithstanding.

*Marginal
Notes*

14. THE marginal notes in this Our Charter shall not affect the interpretation thereof.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at WESTMINSTER the thirtieth day of March in the fifty fifth year of Our Reign. BY WARRANT UNDER THE QUEEN'S SIGN MANUAL.

MUIR MACKENZIE.



SUPPLEMENTAL CHARTER TO THE
HUDSON'S BAY COMPANY

1912, JULY 4

SUPPLEMENTAL CHARTER

A.D.
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4th July, 1912

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith. To all to whom these Presents shall come, Greeting:—

WHEREAS by a Royal Charter granted on 2nd May in the 22nd year of the reign of His late Majesty King Charles the Second (hereinafter in this Our Charter described as 'the original Charter') the Petitioners were incorporated as a Company by the name of 'The Governor and Company of Adventurers of England trading into Hudson's Bay' (hereinafter described as 'the Company') with perpetual succession and a Common Seal for the purpose amongst other things of trading within the territories therein and hereinafter described as Rupert's Land.

AND WHEREAS by the original Charter it was provided that it should and might be lawful for the Company for the time being or the greater part of them which then should happen to be present at any public assembly commonly called the Court General to be holden for the Company in each and every year between the first and last day of November to elect and nominate one of the Company who should be Governor of the Company for one whole year then next following and to elect and nominate one of the Company who should be Deputy-Governor of the Company for one whole year then next following and to elect and nominate seven of the Company who should be a Committee of the Company which Committee or any

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three of them together with the Governor or Deputy-Governor for the time being should in the manner therein mentioned have the managing and handling of all Business affairs and things belonging to the Company.

AND WHEREAS by the original Charter the Company were empowered amongst other things to have purchase receive possess enjoy and retain Lands Rents Privileges Liberties Jurisdictions Franchises and Hereditaments and to give grant demise alien assign and dispose of Lands Tenements and Hereditaments and to do and execute all and singular other things by the same name that to them should or might appertain to do.

AND WHEREAS by the original Charter His said Majesty was graciously pleased to grant and confirm unto the Company the sole trade and commerce of Rupert's Land and to create and constitute the Company the true and absolute Lords and Proprietors of Rupert's Land saving always the Faith Allegiance and Sovereign Dominion due to His Majesty His heirs and successors to have and to hold in free and common socage.

AND WHEREAS by the original Charter the Company were further empowered to assemble themselves and to hold Court and therein to make such reasonable Laws Constitutions Orders and Ordinances as to them or the greater part of them being then and there present should seem necessary and convenient for the good government of the Company and for the better advancement of their trade and plantations and at their pleasure to revoke and alter the same.

AND WHEREAS by the original Charter it was further provided that in all elections and bye-laws to be made by the General Court of the Adventurers of the Company every person should have a number of votes according to his stock that was to say for every £100 by him subscribed or brought into the then present stock one vote and that any of those who had subscribed less than £100 might join their respective sums to make up £100 and have one vote jointly for the same and not otherwise.

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AND WHEREAS in the year 1863 in pursuance of the powers in the said original Charter conferred upon them the Company ordered that the capital stock of the Company should be £2,000,000 divided into 100,000 Shares of £20 each.

AND WHEREAS by 'The British North America Act 1867' it was enacted that it should be lawful for Her late Majesty Queen Victoria by and with the advice of Her Most Honourable Privy Council on Address from the Houses of Parliament of the Dominion of Canada to admit Rupert's Land into Union with the said Dominion on such terms and conditions as should be in the Address expressed and as Her Majesty should think fit to approve and it was further enacted that the provisions of any Order in Council in that behalf should have effect as if it had been enacted by the Parliament of the United Kingdom.

AND WHEREAS by 'Rupert's Land Act 1868' it was enacted that it should be competent for the Company to surrender to Her Majesty Queen Victoria and for Her Majesty by any Instrument under Her Sign Manual and Signet to accept a surrender of all or any of the Lands Territories Rights Privileges Liberties Franchises Powers and Authorities whatsoever granted or purported to be granted to the Company upon such terms and conditions as should be agreed upon by and between Her Majesty and the Company: Provided however that such surrender should not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land should be admitted into the said Union should have been approved by Her and embodied in an Address to Her from both Houses of the Parliament of the Dominion of Canada.

AND WHEREAS in accordance with the said last-mentioned Act the Company duly surrendered and Her Majesty Queen Victoria by an Instrument under Her Sign Manual and Signet bearing date the 22nd June 1870 duly accepted the surrender of all Rights Privileges Liberties Franchises Powers and Authorities and all the Lands and Territories in the said surrender mentioned

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(except and subject to the terms in the said surrender mentioned) granted or purported to be granted to the Company.

AND WHEREAS Addresses were duly presented to Her late Majesty Queen Victoria in accordance with the said two last-mentioned Acts and in accordance with the terms and conditions therein set forth Her Majesty was pleased to order by and with the advice of Her Privy Council on the 23rd June 1870 that Rupert's Land should become part of the Dominion of Canada; that Canada should pay to the Company £300,000; that certain blocks of land adjoining the Company's posts should vest in the Company; that the Company might for fifty years after the said surrender claim in any township or district in the Fertile Belt as in the said Order defined in which land should be set out for settlement grants of land not exceeding one-twentieth part of the lands so set out and that the Company should be at liberty to carry on their trade without hindrance in their corporate capacity.

AND WHEREAS the said sum of £300,000 was duly paid and was applied by the Company in the reduction of their said capital stock of £2,000,000 by returning to each proprietor £3 for every share held by him.

AND WHEREAS from time to time parts of the lands granted to the Company in pursuance of the said Order in Council of 1870 were sold and the proceeds for the most part similarly applied by the Company in the further reduction of their said capital stock.

AND WHEREAS on the 9th September in the 48th year of the reign of Her late Majesty Queen Victoria by a supplemental Charter (hereinafter referred to as 'the Charter of 1884') the provisions of the said original Charter were annulled so far as they were inconsistent with the provisions of the said supplemental Charter and it was provided amongst other things that the said Governor Deputy-Governor and Committee (therein and hereinafter described as the Board) should be enabled to act by any four members thereof whether the Governor or

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Deputy-Governor should form one of such four or not; that a General Court for the Company should be held every year at such place and such day in November or December as might be appointed by the Board; that every question submitted to a General Court should be decided by a show of hands unless a poll were demanded by at least five present at such General Court and holding in the aggregate not less than one hundred shares; that in computing the majority when a poll should be demanded reference should be had to the number of votes to which each member should be entitled by the said supplemental Charter; that every member of the Company should have one vote for every five shares in the Company held by him, and that any of those members who held less than five shares might join their respective shares so as to make up five or more shares and have one vote jointly for the same; that votes might be given personally or by proxy; that the Chairman might with the consent of the meeting adjourn any General Court and that at every General Court three members of the Board should retire in rotation as therein mentioned, but should be eligible for re-election.

AND WHEREAS at the date of the granting of the second supplemental Charter next hereinafter mentioned the capital stock of the Company amounted to £1,300,000 divided into 100,000 shares of £13 each.

AND WHEREAS on the thirtieth day of March in the fifty-sixth year of the reign of Her late Majesty Queen Victoria by a second supplemental Charter (hereinafter referred to as the Charter of 1892) the provisions of the original Charter and of the Charter of 1884 were annulled so far as they were inconsistent with the provisions of the Charter of 1892, and thereby further provisions were made for the regulation and management of the Company.

AND WHEREAS some of the provisions of the Charter of 1892 have been found to be unnecessary and have never in fact been put into operation.

AND WHEREAS the capital stock of the Company has since the date of the Charter of 1892 been still further

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reduced and now amounts to £1,000,000 divided into 100,000 shares of £10 each.

AND WHEREAS a humble Petition has been presented to Us in our Council by the Company wherefrom it appears that others of the provisions of the Charter of 1892 have become inconvenient and detrimental to the present and prospective interests of the Company and the Company pray that a further supplemental Charter shall be granted embodying provisions such as are in the said Petition expressed to be now necessary or desirable.

AND WHEREAS it further appears to Us that having regard to the number of the amendments which are required in the Charter of 1892 in order to meet the present and future needs of the Company it is desirable for the sake of clearness and convenience of reference to annul the provisions of the Charter of 1892 altogether and to substitute for them a new set of provisions which shall take effect as from the date of this Our Charter.

NOW THEREFORE WE having taken the said Petition into Our Royal consideration in Our Council and being satisfied that the intentions of the Petitioners are praiseworthy do will ordain grant and declare as follows (that is to say):—

1. The several provisions contained in the Charter of 1892 shall on and after the day on which this Our Charter takes effect cease to be in force and be annulled Provided always that nothing herein contained shall affect any act or thing duly done prior to such date under the provisions of the Charter of 1892.

2. The several provisions contained in the original Charter and in the Charter of 1884 shall so far as they are inconsistent with the provisions contained in this Our Charter on and after the day on which this Our Charter takes effect cease to be in force and be annulled.

3. The Governor Deputy-Governor and Committee of the Company (who are hereinafter collectively referred to as 'the Board') may with the consent of the Company at a General Court sub-divide its existing

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shares of £10 each or any of them into shares of such smaller amount not being less than £1 each as the Board shall determine.

4. The Board may from time to time with the consent of the Company at a General Court increase the capital of the Company by the creation of new shares of such amount as may be prescribed by the Company at such General Court.

5. The new shares shall be issued upon such terms and conditions with such rights and privileges annexed thereto as the General Court which sanctioned the creation thereof shall direct and if no direction be given as the Board shall determine; and in particular such shares may be issued with a preferential or qualified right to dividends and in the distribution of the assets of the Company and with a special or without any right of voting at a General Court Provided always that any preference or priority in the payment of dividend or interest which shall be assigned to any shares so issued shall not be affected by any subsequent creation or issue of shares.

6. The terms and conditions to which any preference shares are subject shall be clearly stated on the certificate of such shares.

7. The Company may at a General Court declare a dividend to be paid to their members according to their respective rights and interests but no dividend shall exceed the amount recommended by the Board.

8. The Board may from time to time pay to the members such interim dividends as in their judgment the position of the Company justifies.

9. The sums received by the Company in respect of the sale of lands accrued and accruing to the Company under the terms of the Deed of Surrender may (subject to the provisions hereinafter contained) be applied in the payment of dividends on the shares of the Company to the same extent and in the same manner as the profits from the Company's commercial undertakings.

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Provided always that no sums received from the sale of these lands shall be so applied until and unless the Directors of the Company are satisfied upon each occasion of such application that the value of the unsold lands of the Company together with the other assets of the Company other than the Special Reserve Fund herein-after mentioned are sufficient to meet all the liabilities of the Company including the then capital And provided further that out of the proceeds of sale of all such lands as may be sold after the date on which this Our Charter takes effect the Directors shall set aside a sum of not less than \$2 for each acre of land so sold and invest the moneys so from time to time set aside in or upon such investments or securities as the Directors may from time to time select for that purpose with power to vary such investments. The moneys so invested and the investments and securities for the time being representing the same shall be retained by the Company as a Capital Reserve Fund available for the repayment at such time or times as may be thought expedient of the then paid-up capital of the Company for the time being.

The income arising from such investments and securities shall be treated as part of the General Assets of the Company.

10. In the event of the Company being wound up the surplus assets available for distribution among the members shall (subject to any special terms and conditions attaching to any new shares that may hereafter be issued in pursuance of the powers hereinbefore contained) be applied in repaying to the members *pari passu* the amount paid up on the shares held by them respectively and subject thereto shall be divided among all the members in proportion to the amount of the capital held by them respectively.

11. Subject to any special terms and conditions as to voting attaching to any shares which may hereafter be issued in pursuance of the powers hereinbefore

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contained at every General Court every member of the Company shall have one vote for every £50 of the nominal capital of the Company held by him; and any members of the Company who hold less than is sufficient to enable them to vote may join their shares so as to make £50 of the nominal capital and may vote accordingly; Provided nevertheless that no member shall have more than 400 votes and provided also that no member shall be entitled to vote or to join with any other member or members in making up a joint vote at any General Court in respect of any shares or share unless he shall have been registered the holder of such shares or share for six calendar months prior to such General Court.

12. The Company shall cause to be kept in one or more books a register of its members and there shall be entered therein the following particulars:—

(a) The names and addresses of the members of the Company and a statement of the shares held by each member distinguishing each share by a number.

(b) The date at which the name of any person was entered in the register as a member.

(c) The date at which any person ceased to be a member.

13. The Company may require that in the case of shares to which several persons are jointly entitled all the shares to which such persons are so entitled shall be registered in the same name or names and in the same order of names and the Company shall not be bound to register the holders of any shares in cases to which this Article applies otherwise than in accordance with this Article. Where at the time of the granting of this Our Charter any persons are registered otherwise than as aforesaid the Company may amend the register in accordance with this Article. Not more than four persons shall after the granting of this Our Charter be entered in the register as the holders of any share.

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14. In case of the death of any one or more of the joint holders of any shares the survivors or survivor shall be the only persons recognised by the Company as having any title to or interest in such shares.

15. In all cases in which shares are registered in the names of two or more persons jointly such one of such joint holders as they shall in manner from time to time required by the Board in that behalf appoint or in default of such appointment the first-named of such joint holders or surviving joint holders in the register shall alone be entitled to receive notices and to attend and vote at meetings of members in respect of such shares.

16. The Company may from time to time in accordance with a resolution of a General Court borrow and reborrow or raise money on debentures debenture stock or debenture bonds and secure any money so raised or borrowed or reborrowed and interest thereon by mortgage or charge of the undertaking or by mortgage or charge of all or any of the real or personal property present or future of the Company or by both such securities and with such conditions as to price of issue right price and mode of redemption and otherwise as may be prescribed by such resolution Provided nevertheless that the total principal sums to be raised or borrowed under this Article of this Our Charter outstanding at any one time shall not exceed £2,000,000.

17. No lender or other person dealing with the Company shall be concerned to see whether the limit of £2,000,000 prescribed by the last preceding Article of this Our Charter is observed.

18. Debentures debenture stock and other securities issued by the Company may be made assignable free from any equities between the Company and the person to whom the same may be issued.

19. No person shall be qualified to become a member of the Board unless he shall hold in his own right

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ordinary shares of the nominal value of not less than £600.

20. The Board including the Governor and Deputy-Governor shall consist of not less than seven but not more than nine members and one-third of the members of the Board or the nearest number thereto shall retire each year. Provided always that every member of the Board shall retire every three years, such retirement shall take place in the manner and with the incidents prescribed by the Charter of 1884.

21. The General Court of the Company shall be held every year at such place and on such day of such month as may be appointed by the Board anything in the original Charter or the Charter of 1884 to the contrary notwithstanding.

IN WITNESS whereof we have caused these Our Letters to be made Patent.

WITNESS Ourselves at WESTMINSTER the fourth day of July in the third year of Our Reign.

BY WARRANT under the King's Sign Manual.

MUIR MACKENZIE.



SUPPLEMENTAL CHARTER TO THE
HUDSON'S BAY COMPANY

1920, MAY 5

SUPPLEMENTAL CHARTER

5TH MAY 1920

A.D.
1920

GEORGE THE FIFTH by the Grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. To all to whom these Presents shall come, Greeting :

WHEREAS by a Royal Charter granted on the 2nd May in the 22nd year of the reign of His late Majesty King Charles the Second (hereinafter in this our Charter described as ' the original Charter ') the Petitioners were incorporated as a Company by the name of ' The Governor and Company of Adventurers of England trading into Hudson's Bay ' (hereinafter described as ' the Company ') with perpetual succession and a Common Seal for the purpose amongst other things of trading within the territories therein and hereinafter described as Rupert's Land.

And whereas by the original Charter the Company were empowered amongst other things to have purchase receive possess enjoy and retain Land Rent Privileges Liberties Jurisdictions Franchises and Hereditaments and to give grant demise alien assign and dispose of Lands Tenements Hereditaments and to do and execute all and singular other things by the same name that to them should or might appertain to do.

And whereas by the original Charter His said Majesty was graciously pleased to grant and confirm unto the Company the sole trade and commerce of Rupert's Land and to create and constitute the Company the true and absolute Lords and Proprietors of Rupert's Land saving

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always the Faith Allegiance and Sovereign Dominion due to His Majesty His heirs and successors to have and to hold in f[r]ee and common socage.

And whereas by 'The British North America Act 1867' it was enacted that it should be lawful for Her late Majesty Queen Victoria by and with the advice of Her Most Honourable Privy Council on Address from the Houses of Parliament of the Dominion of Canada to admit Rupert's Land into Union with the said Dominion on such terms and conditions as should be in the Address expressed and as Her Majesty should think fit to approve and it was further enacted that the provisions of any Order in Council in that behalf should have effect as if it had been enacted by the Parliament of the United Kingdom.

And whereas by 'Rupert's Land Act 1868' it was enacted that it should be competent for the Company to surrender to Her Majesty Queen Victoria and for Her Majesty by any instrument under Her Sign Manual and Signet to accept a surrender of all or any of the Lands Territories Rights Privileges Liberties Franchises Powers and Authorities whatsoever granted or purported to be granted to the Company upon such terms and conditions as should be agreed upon by and between Her Majesty and the Company: Provided however that such surrender should not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land should be admitted into the said Union should have been approved by Her as therein mentioned.

And whereas by the said 'Rupert's Land Act 1868' it was provided that upon the acceptance by Her Majesty of such surrender all rights of Government and Proprietary rights and all other Privileges Liberties Franchises Powers and Authorities whatsoever granted or purported to be granted by the said Letters Patent to the Company within Rupert's Land and which should have been so surrendered should be absolutely extinguished provided that nothing therein contained should prevent the Company

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from continuing to carry on in Rupert's Land or elsewhere Trade or Commerce.

And whereas in accordance with the said last mentioned Act the Company by Deed dated the 29th day of November 1869 duly surrendered and Her Majesty Queen Victoria by an Instrument under Her Sign Manual and Signet bearing date the 22nd June 1870 duly accepted the surrender of all Rights Privileges Liberties Franchises Powers and Authorities and all the Lands and Territories in the said surrender mentioned (except and subject to the terms in the said surrender mentioned) granted or purported to be granted to the Company.

And whereas by the said Deed of Surrender it was expressly provided that the Company should be at liberty to carry on its trade without hindrance in its corporate capacity.

And whereas pursuant to the said Acts Her said late Majesty was pleased to order by and with the advice of Her Privy Council on the 23rd June 1870 that Rupert's Land should become part of the Dominion of Canada upon the terms and subject to the conditions in the said Order and by the said Order Her said late Majesty (amongst other things) declared that the Company should be at liberty to carry on its trade without hindrance in its corporate capacity.

And whereas by the several Charters dated respectively the 9th day of September in the 48th year in the reign of Her late Majesty Queen Victoria and the 30th day of March in the 56th year of the reign of Her said late Majesty and the 4th day of July in the third year of Our reign (hereinafter in this Our Charter described as the Supplemental Charters) the terms of the original Charter were amended and varied as there mentioned.

And whereas the Company has carried on Trade both inside and outside Canada.

And whereas since the outbreak of the present war its Trade outside Canada has assumed very large proportions.

And whereas a Petition has been presented to Us in

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Our Council by the Company wherefrom it appears that it is of great public importance that it should be clearly declared and should not be open to doubt that the Company's Rights and Powers of carrying on Trade or Commerce are not limited or restricted by the said Charters or Acts above recited to carrying on Trade or Commerce with or in Canada or otherwise limited or restricted thereby and that it is desirable that We should be pleased to declare the rights and powers of the Company in that behalf in manner hereinafter appearing.

Now, THEREFORE, We, having taken the said Petition into Our Royal Consideration in Our Council and being satisfied that the intentions of the Petitioners are praiseworthy, do Will Ordain Grant and Declare as follows (that is to say):—

1. That the Company's Rights and Powers of carrying on Trade or Commerce are not limited or restricted by the original Charter or Supplemental Charters or Acts above recited to Trade with or in Canada or otherwise but that the Company has and always has had and is hereby expressly authorized to have full and free Power and Authority to carry on Trade or Commerce of every description in any part of the world and for such purpose to hold property and to do all acts matters and things in relation thereto or in connection therewith in any part of the world.

2. That for all or any of the purposes aforesaid (without limiting the generality of the said above mentioned Powers) the Company may establish Agencies and form or promote Companies or Corporations in any part of the world and may acquire and dispose of the Stocks Shares Debentures or other Securities of any other Company or Corporation and enter into any Agreement or Arrangements or carry out any transaction with any such Agency Company or Corporation for the purpose of their Trade or Commerce.

3. That subject as aforesaid and except as herein provided nothing herein contained shall be deemed to

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alter or vary the terms of the original Charter or the Supplemental Charters hereinbefore referred to or to confer on the Company any rights or privileges or to deprive them of any rights or privileges to which they may be entitled.

IN WITNESS whereof We have caused these Our Letters to be made Patent.

WITNESS Ourselves at Westminster, the Fifth day of May, in the year of our Lord 1920, and in the Tenth Year of Our Reign.

BY WARRANT under the King's Sign Manual.

(Signed) SCHUSTER.



IMPERIAL ACTS

An Act for confirming to the Governor and Company trading to Hudson's Bay their Privileges and Trade.—(2 W. & M. c. 23 (1690).)

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FORASMUCH as his late Majesty KING CHARLES the Second by Letters Patents or Charter under the Great Seal of England bearing date the second day of May in the two and twentieth year of his reign reciting or taking notice that his then Highness Prince Rupert, Christopher Duke of Albemarle, William Earl of Craven and divers other Lords and persons therein particularly named had at their own great costs and charges undertaken an expedition to Hudson's Bay in the North West parts of America for the discovery of a new passage into the South Seas and for finding some trade for Furs Minerals and other considerable commodities and that by such their undertaking they had made such discoveries whereby might probably arise much advantage to his said Majesty and this Kingdom for which and for other the reasons and motives in the said Charter mentioned his said late Majesty was graciously pleased thereby to incorporate create and make the said Prince Rupert, Duke of Albemarle, Earl of Craven and other the Lords and persons therein particularly named and such others as should be admitted into the Society (as therein is mentioned) one Body Corporate and Politick in deed and name by the name of the Governor and Company of Adventurers of England trading into Hudson's Bay and by that name to have perpetual Succession and to sue and be sued take purchase and grant And by the said Letters Patents or Charter of Incorporation provision was made as well for the appointment and constitution of the first and present as

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also for the choosing appointing and admitting of all future Governors Deputy Governors Committees members and officers of the said Company and for the making of Laws Constitutions and ordinances and for the government of the said Company and trade and otherwise And the sole trade and commerce of all those Seas Straights Bays Rivers Lakes Creeks and Sounds in whatsoever latitude they shall be that lye within the entrance of the Straights commonly called Hudson's Straights [together with all the lands and territories upon the Countries Coasts and Confines of the Seas Bays Lakes Rivers Creeks and Sounds aforesaid which were not then actually possessed by or granted to any of his said late Majesties Subjects or possessed by the Subjects of any other Christian Prince or State with divers and sundry privileges liberties jurisdictions franchises powers and authorities to punish offenders and to sue for and recover penalties with other powers and authorities matters and things in the said Letters Patents or Charter of Incorporation mentioned and expressed were thereby granted to and vested in the said Governor and Company and their Successors for ever in such sort manner and form as in and by the said Charter or Letters Patents and Enrolment thereof is mentioned and as expressed and thereby it more fully appears. AND for as much as the said Governor and Company at their great charges and with much difficulty and hazard have settled and made great improvements of the Trade to the said Straights Seas and places aforesaid which is now and for several years past hath been found to be useful and profitable to this Kingdom and the Navigation thereof for Furs Minerals and other considerable commodities And it appearing that the said Trade cannot be carried on or managed so advantageously either to the honor or interest of this Realm as in a Company and with a joint Stock And it being necessary that such a Company should have sufficient and undoubted powers and authorities privileges and liberties to manage order and carry on the said Trade and to make Bye laws orders rules and constitutions for the

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due management and regulation as well of the said Company as Trade and for the punishment of offenders and recovering of forfeitures and penalties which cannot be so effectually done as by authority of Parliament BE IT THEREFORE ENACTED by the King and Queens Most Excellent Majesties by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same That the present Governor and Company of Adventurers of England trading into Hudson's Bay and their Successors shall at all times from henceforth stand continue and be a Body Politique and Corporate in deed and name by the name aforesaid and according to the purport and effect of the said Letters Patents or Charter herein before mentioned And that the said Letters Patents or Charter herein before mentioned bearing date the said second day of May in the two and twentieth year of the reign of his said late Majesty King Charles the Second and all things therein contained be and by virtue of this present act shall be from henceforth ratified established and confirmed unto the present Governor and Company of Adventurers of England trading into Hudson's Bay and to their Successors for ever And also that the said Governor and Company and their Successors shall and may have do use exercise and enjoy all and singular the Liberties Privileges Powers authorities matters and things in the said Letters Patents or Charter mentioned to be granted to them and also that the said Letters Patents or Charter and all and every the Liberties franchises immunities privileges jurisdictions powers authorities regalities pre-eminences hereditaments matters and things whatsoever and of what nature or kind soever thereby given granted or limited or mentioned to be given granted or limited to the said Prince Rupert, Duke of Albemarle, Earl of Craven and other the Lords and persons therein particularly named and thereby incorporated and to the Governor and Company thereby created made or erected and to their Successors and to all

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Governors Deputy Governors, Committees and other members officers and servants of or upon the said Governor and Company for the time being and their Successors or otherwise howsoever with and under such restraints and prohibitions and subject and liable to such forfeitures and remedies for recovering thereof as in the said Charter are contained shall from henceforth be good effectual and available in the law to all intents constructions and purposes to the aforesaid new Governor and Company of Adventurers of England trading into Hudson's Bay and to their Successors for ever-more And shall and may be by the new Governor and Company and their Successors from time to time for ever hereafter holden and enjoyed and put in execution after and according to the form words sentences purport effect and true meaning of the said Letters Patents or Charter And that as amply fully and largely to all intents constructions and purposes as if the same Letters Patents or Charter and the several matters and things therein mentioned and thereby granted or mentioned to be granted were word for word recited and set down at large in this present Act of Parliament any law statute usage custom or other matter or thing whatsoever to the contrary notwithstanding PROVIDED always and be it further enacted by the authority aforesaid that the said Governor and Company shall make at least two public Sales of Coat Beaver in every year and not exceeding four and that they shall proportion the same into lots each of about one hundred pounds sterling but not exceeding two hundred pounds value And that in the intervals of public Sales the said Company may not sell Coat Beaver by private Contract at any lower price than it was set up at the last public Sale and that the Coat Beaver now in the Companies hands shall be liable to the same rules PROVIDED always that this Act shall continue and be in force for the term of seven years and from thence to the end of the next Sessions of Parliament and no longer.

Extract from "An Act for the Encouragement of the A.D.
Trade to *America*." 6 ANNE c. 37. (1707). 1707

[*I to XXII omitted.*]

"XXIII. Provided always, That nothing in this Act *Act not to*
shall any ways extend, or be construed to take away or *prejudice the*
prejudice any of the Estates, Rights, or Privileges of or *Hudson's Bay*
belonging to the Governor and Company of Adventurers *Company*
of *England* trading into *Hudson's Bay*."

NOTES ON STATUTES RELATING TO THE
PAYMENT OF A REWARD FOR THE DIS-
COVERY OF A NORTH-WEST PASSAGE

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1744

NOTES ON STATUTES RELATING TO THE DISCOVERY OF A

	DATE	ACT	ENTITLED
	1744	18. GEO. II. c. 17.	"An Act for giving a public Reward to such Person or Persons, being His Majesty's Subject or Subjects, as shall discover a North West Passage through Hudson's Streights to the Western and Southern Oceans of America."
A.D. 1776	1776	16. GEO. III. c. 6.	"An Act for giving a public Reward to such Person or Persons, being His Majesty's Subject or Subjects, as shall discover a Northern Passage for Vessels by Sea, between the Atlantic and Pacific Oceans; and also unto such as shall first approach by Sea within One Degree of the Northern Pole."
A.D. 1818	1818	58. GEO. III. c. 20.	"An Act for more effectually discovering the Longitude at Sea, and encouraging Attempts to find a Northern Passage between the Atlantic and Pacific Oceans and to approach the Northern Pole."

THE PAYMENT OF A REWARD FOR NORTH-WEST PASSAGE

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£20,000 reward offered to the owner or owners of any ship or vessel which should first find out and sail through such passage.

Reward as above extended to include the commander or commanders, officers and seamen, of any of His Majesty's ships or vessels, and to the owner or owners of any private ship or vessel which should find out and sail through any passage by sea between the Atlantic and Pacific Oceans in any direction or parallel of the Northern Hemisphere to the North of the fifty-second degree of North Latitude ; also assigning a reward of five thousand pounds to the commander or commanders, officers and seamen, of any of His Majesty's ships or vessels, or to the owner or owners of any private ship or vessel which should first approach within one degree of the Northern Pole, also appointing the commissioners for discovering the Longitude at sea to be commissioners for executing this Act. All claims for reward to be made within six months after arrival at any port in Great Britain or Ireland.

A.D. 1776

Repealing the two above-mentioned Acts.

A.D. 1818

Enacted that if any ship or ships, vessel or vessels, belonging to any of His Majesty's subjects, or to His Majesty, should first find out and sail through any passage by sea, between the Atlantic and Pacific Oceans, in any direction or parallel of the Northern Hemisphere, the owner or owners of such ship or ships, vessel or vessels, if belonging to any of His Majesty's subjects, or the commander or commanders, officers, seamen and marines of such ships or vessels, if belonging to His Majesty, so first finding out and sailing through such passage should receive a reward for such discovery, of the sum of twenty thousand pounds.

Also enacted that if any ship or ships, vessel or vessels, should approach within one degree of the Northern Pole, the owner of such ship or ships, vessel or vessels, if belonging to any of His Majesty's subjects, or the commander or commanders, officers, seamen and marines of any ship or ships, vessel or vessels, if belonging

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1818

HUDSON'S BAY COMPANY

	DATE	ACT	ENTITLED
A D. 1821	1821	1 and 2 GEO. IV. c. 2.	"An Act to amend an Act of the Fifty eighth Year of His late Majesty, for more effectually discovering the Longitude at Sea, and encouraging Attempts to find a Northern Passage between the Atlantic and Pacific Oceans, and to approach the Northern Pole."
A.D. 1828	1828	9 GEO. IV. c. 66.	"An Act for repealing the Laws now in force relating to the Discovery of the Longitude at Sea."

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to His Majesty, so first approaching within one degree of the Northern Pole, should be entitled to receive a reward of five thousand pounds.

Also enacted that the commissioners for discovering the Longitude at sea may, by their memorial, propose to His Majesty in Council to direct and establish proportionate rewards to be paid to any person as aforesaid who may have attempted and accomplished certain proportions of the said passage by sea between the Atlantic and Pacific Oceans, or of the approach to the Northern Pole.

Such proposal if approved by His Majesty in Council to be published in the *London Gazette*, and any person or persons accomplishing such passages, or the specified proportions of them, to be entitled on the award of the said commissioners, to receive such total or proportionate sums as shall have been offered for the object which he or they may have then accomplished.

The executors, administrators and assigns of any person or persons to whom any sum shall be awarded by the aforesaid commissioners, to be entitled to receive the same in the event of the death of such person or persons.

Enacted that the proportionate rewards legalised by 58. GEO. III. c. 20. be held and taken to be proportions and parts only of the sums of £20,000 and £5,000 respectively, and that such proportionate rewards as should subsequently be sanctioned by Order in Council be parts and proportions only of the said Sums, so that no more than the respective sums of £20,000 and £5,000 be paid or payable under such Order in Council in respect of the accomplishment of the whole of the Northern Passage or approach to the Northern Pole respectively, whether the same be attempted or accomplished by proportions or parts, or by one voyage only.

A.D. 1821

Repealing 58. GEO. III. c. 20. and 1 and 2 GEO. IV. c. 2. Not to be held or deemed to extend or revive any former Acts or parts of Acts which were repealed by 58. GEO. III. c. 20., nor "to abrogate or make void any Enactment now in force for the Payment to the Commander or Commanders, Officers, Seamen, and Marines, of any Ship or Ships of His Majesty, or to the Owner or Owners of any Ship or Vessel belonging to His Majesty's Subjects, of any Reward or Rewards for the Discovery of a Northern Passage or for approaching or attempting to approach the Northern Pole; provided such Ships shall have sailed from any part of the United Kingdom before the passing of this Act."

A.D. 1828

An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of *Lower* and *Upper Canada*, to the Trial and Punishment of Persons guilty of Crimes, and Offences within certain parts of *North America* adjoining to the said Provinces.—(43 GEO. III c. 138 (1803).)

A.D.

1803

[See 14 G. 3.

c. 83

31 G. 3.

c. 31]

[11th August, 1803.]

‘ WHEREAS Crimes and Offences have been committed in the *Indian Territories*, and other Parts of *America*, not within the Limits of the Provinces of *Lower* or *Upper Canada*, or either of them, or of the Jurisdiction of any of the Courts established in those Provinces, or within the Limits of any Civil Government of the United States of *America*, and are therefore not cognizable by any Jurisdiction whatever, and by reason thereof great Crimes and Offences have gone and may hereafter go unpunished, and greatly increase:’ For Remedy whereof may it please your Majesty that it may be enacted, and be it enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, from and after the passing of this Act, all Offences committed within any of the *Indian Territories*, or Parts of *America* not within the Limits of either of the said Provinces of *Lower* or *Upper Canada*, or of any Civil Government of the United States of *America*, shall be and be deemed to be Offences of the same Nature, and shall be tried in the same Manner and subject to the same Punishment, as if the same had been committed within the Provinces of *Lower* or *Upper Canada*.

Offences
committed
within any
*Indian
Territories,
&c. may be
tried as if
committed in
Lower or
Upper
Canada*

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1803

HUDSON'S BAY COMPANY

The Governor of Lower Canada may empower Persons to act as Justices for the Indian Territories, &c. for committing Offenders till conveyed to Canada for Trial

II. And be it further enacted, That it shall be lawful for the Governor or Lieutenant-Governor, or Person administering the Government for the Time being of the Province of *Lower Canada*, by Commission under his Hand and Seal, to authorize and empower any Person or Persons, wheresoever resident or being at the Time, to act as Civil Magistrates and Justices of the Peace for any of the *Indian Territories* or Parts of *America* not within the Limits of either of the said Provinces, or of any Civil Government of the United States of *America*, as well as within the Limits of either of the said Provinces, either upon Informations taken or given within the said Provinces of *Lower* or *Upper Canada*, or out of the said Provinces in any Part of the *Indian Territories* or Parts of *America* aforesaid, for the Purpose only of hearing Crimes and Offences, and committing any Person or Persons guilty of any Crime or Offence to safe Custody, in order to his or their being conveyed to the said Province of *Lower Canada*, to be dealt with according to Law; and it shall be lawful for any Person or Persons whatever to apprehend and take before any Persons so commissioned as aforesaid, or to apprehend and convey, or cause to be safely conveyed with all convenient Speed, to the Province of *Lower Canada*, any Person or Persons guilty of any Crime or Offence, there to be delivered into safe Custody for the Purpose of being dealt with according to Law.

Offenders may be tried in the Courts of Lower (or Upper) Canada, and punished accordingly

III. And be it further enacted, That every such Offender may and shall be prosecuted and tried in the Courts of the Province of *Lower Canada* (or if the Governor or Lieutenant-Governor, or Person administering the Government for the Time being, shall, from any of the Circumstances of the Crime or Offence, or the local Situation of any of the Witnesses for the Prosecution or Defence, think that Justice may more conveniently be administered in relation to such Crime or Offence in the Province of *Upper Canada*, and shall by any Instrument under the Great Seal of the Province of *Lower Canada*,

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declare the same, then that every such Offender may and shall be prosecuted and tried in the Court of the Province of *Upper Canada*), in which Crimes or Offences of the like Nature are usually tried, and where the same would have been tried if such Crime or Offence had been committed within the Limits of the Province where the same shall be tried under this Act; and every Offender tried and convicted under this Act shall be liable and subject to such Punishment as may by any Law in Force in the Province where he or she shall be tried be inflicted for such Crime or Offence; and such Crime or Offence may and shall be laid and charged to have been committed within the Jurisdiction of such Court, and such Court may and shall proceed therein to Trial, Judgement, and Execution, or other Punishment for such Crime or Offence in the same Manner in every Respect as if such Crime or Offence had been really committed within the Jurisdiction of such Court; and it shall also be lawful for the Judges and other Officers of the said Courts to issue Subpœnas and other Processes for enforcing the Attendance of Witnesses on any such Trial; and such Subpœnas and other Processes shall be as valid and effectual, and be in full Force and put in Execution in any Parts of the *Indian Territories*, or other Parts of *America* out of and not within the Limits of the Civil Government of the United States of *America*, as well as within the Limits of either of the said Provinces of *Lower* or *Upper Canada*, in relation to the Trial of any Crimes or Offences by this Act made cognizable in such Court, or to the more speedily and effectually bringing any Offender or Offenders to Justice under this Act, as fully and amply as any Subpœnas or other Processes are, within the Limits of the Jurisdiction of the Court, from which any such Subpœnas or Processes shall issue as aforesaid; any Act or Acts, Law or Laws, Custom, Usage, Matter, or Thing to the contrary notwithstanding.

*Offenders not
being British
Subjects,
shall be
acquitted, if
offence is
committed
within
European
Territories*

IV. Provided always, and be it further enacted, That if any Crime or Offence charged and prosecuted under this

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HUDSON'S BAY COMPANY

Act shall be proved to have been committed, by any Person or Persons not being a Subject or Subjects of his Majesty, and also within the Limits of any Colony, Settlement, or Territory belonging to any *European* State, the Court before which such Prosecution shall be had shall forthwith acquit such Person or Persons not being such Subject or Subjects as aforesaid of such Charge.

But Subjects shall be tried V. Provided nevertheless, That it shall and may be lawful for such Court to proceed in the Trial of any other Person, being a Subject or Subjects of his Majesty, who shall be charged with the same or any other Offence, notwithstanding such Offence shall appear to have been committed within the Limits of any Colony, Settlement, or Territory belonging to any *European* State as aforesaid.

“ An Act to enable His Majesty to make Regulations with respect to the taking and curing Fish on certain Parts of the Coasts of *Newfoundland, Labrador*, and His Majesty’s other Possessions in *North America*, according to a Convention made between His Majesty and the United States of *America*. [14th June 1819.]” 59
A.D. 1819
GEORGE III—C. 38. (A.D. 1819.)

RECITAL: Provides that the terms of the Convention shall be without prejudice to any of the Exclusive Rights of the Hudson’s Bay Company.

An Act for regulating the Fur Trade, and establishing a Criminal and Civil Jurisdiction within certain Parts of *North America*.—(1 AND 2 GEO. IV c. 66 (1821).)

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1821

[2nd July, 1821.]

WHEREAS the Competition in the Fur Trade between the Governor and Company of Adventurers of *England* trading into *Hudson's Bay*, and certain Associations of Persons trading under the Name of 'The North-west Company of *Montreal*,' has been found for some Years past to be productive of great Inconvenience and Loss, not only to the said Company and Associations, but to the said Trade in general, and also of great Injury to the native *Indians*, and of other Persons Subjects of His Majesty: And whereas the Animosities and Feuds, arising from such Competition, have also for some Years past kept the Interior of *America*, to the Northward and Westward of the Provinces of *Upper* and *Lower Canada*, and of the Territories of the United States of *America*, in a State of continued Disturbance: And whereas many Breaches of the Peace, and Violence extending to the Loss of Lives, and considerable Destruction of Property, have continually occurred therein: And whereas, for Remedy of such Evils, it is expedient and necessary that some more effectual Regulations should be established for the apprehending, securing, and bringing to Justice all Persons committing such Offences, and that His Majesty should be empowered to regulate the said Trade: And whereas Doubts have been entertained, whether the Provisions of an Act passed in the Forty-third Year of the Reign of His late Majesty King *George the Third*, 43G.3.c.138 intituled *An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences*

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1821

HUDSON'S BAY COMPANY

*Empowering
His Majesty
to make
Grants for
the exclusive
Trade to cer-
tain Parts of
North
America*

within certain Parts of North America adjoining to the said Provinces, extended to the Territories granted by Charter to the said Governor and Company; and it is expedient that such Doubts should be removed, and that the said Act should be further extended: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, it shall be lawful for His Majesty, His Heirs or Successors, to make Grants or give His Royal Licence, under the Hand and Seal of One of His Majesty's Principal Secretaries of State, to any Body Corporate, or Company, or Person or Persons, of or for the exclusive Privilege of Trading with the *Indians* in all such Parts of *North America* as shall be specified in any such Grants or Licences respectively, not being Part of the Lands or Territories heretofore granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*, and not being Part of any of His Majesty's Provinces in *North America*, or of any Lands or Territories belonging to the United States of *America*; and all such Grants and Licences shall be good, valid, and effectual for the Purpose of securing to all such Bodies Corporate, or Companies, or Persons, the sole and exclusive Privilege of trading with the *Indians* in all such Parts of *North America* (except as herein-after excepted), as shall be specified in such Grants or Licences; any thing contained in any Act or Acts of Parliament, or any Law to the contrary notwithstanding.

*Limiting the
Periods for
which such
Grants may
be made*

II. Provided always, and be it further enacted, That no such Grant or Licence, made or given by His Majesty, His Heirs or Successors, of any such exclusive Privileges of trading with the *Indians* in such Parts of *North America* as aforesaid, shall be made or given for any longer Period than Twenty-one Years; and no Rent shall be required or demanded for or in respect of any such Grant or Licence, or any Privileges given thereby under the

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Provisions of this Act, for the first Period of Twenty-one Years; and from and after the Expiration of such first Period of Twenty-one Years, it shall be lawful for His Majesty, His Heirs or Successors, to reserve such Rents in any future Grants or Licences to be made to the same or any other Parties, as shall be deemed just and reasonable, with Security for the Payment thereof; and such Rents shall be deemed Part of the Land Revenues of His Majesty, His Heirs and Successors, and be applied and accounted for as the other Land Revenues of His Majesty, His Heirs or Successors, shall, at the Time of Payment of any such Rent being made, be applied and accounted for.

III. And be it further enacted, That from and after the passing of this Act, the Governor and Company of Adventurers trading to *Hudson's Bay*, and every Body Corporate and Company and Person to whom every such Grant or Licence shall be made or given as aforesaid, shall respectively keep accurate Registers of all Persons in their Employ in any Parts of *North America*, and shall, once in each Year, return to His Majesty's Secretaries of State, accurate Duplicates of such Registers, and shall also enter into such Security as shall be required by His Majesty for the due Execution of all Processes Criminal and Civil, as well within the Territories included in any such Grant, as within those granted by Charter to the Governor and Company of Adventurers trading to *Hudson's Bay*, and for the producing or delivering into safe Custody, for Purpose of Trial, of all Persons in their Employ or acting under their Authority, who shall be charged with any Criminal Offence, ~~and also for the due and faithful Observance of all such Rules, Regulations, and Stipulations as shall be contained in any such Grant or Licence, either for diminishing or preventing the Sale or Distribution of Spirituous Liquors to the Indians, or for promoting their moral and religious Improvement, or for any other Object which His Majesty may deem necessary for the~~ *Persons to whom such Grants shall be made, to enter into Security*

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Remedy or Prevention of the other Evils which have hitherto been found to exist.

*Such Grant
of exclusive
Trade not to
interfere with
Citizens of
the United
States beyond
the Stony
Mountains*

IV. And whereas by a Convention entered into between His Majesty and the United States of *America*, it was stipulated and agreed, that any Country on the North-west Coast of *America*, to the Westward of the *Stony Mountains*, should be free and open to the Citizens and Subjects of the Two Powers, for the Term of Ten Years from the Date of the Signature of that Convention; be it therefore enacted, That nothing in this Act contained shall be deemed or construed to authorize any Body Corporate, Company, or Person, to whom His Majesty may have, under the Provisions of this Act, made a Grant or given a Licence of exclusive Trade with the *Indians* in such Parts of *North America* as aforesaid, to claim or exercise any such exclusive Trade within the Limits specified in the said Article, to the Prejudice or Exclusion of any Citizens of the said United States of *America*, who may be engaged in the said Trade: Provided always, that no *British* Subject shall trade with the *Indians* within such Limits, without such Grant or Licence as is by this Act required.

43 G. 3. c.
138. ex-
tended to the
Territories
granted to the
Hudson's Bay
Company

V. And be it declared and enacted, That the said Act passed in the Forty-third Year of the Reign of His late Majesty, intituled *An Act for extending the Jurisdiction of the Courts of Justices in the Provinces of Lower and Upper Canada, to the Trial and Punishment of Persons guilty of Crimes and Offences within certain Parts of North America adjoining to the said Provinces*, and all the Clauses and Provisoes therein contained, shall be deemed and construed, and it is and are hereby respectively declared, to extend to and over, and to be in full force in and through all the Territories heretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay*; any thing in any Act or Acts of Parliament, or this Act, or in any Grant or Charter to the Company, to the contrary notwithstanding.

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VI. And be it further enacted, That from and after the passing of this Act, the Courts of Judicature now existing, or which may be hereafter established in the Province of *Upper Canada*, shall have the same Civil Jurisdiction, Power, and Authority, as well in the Cognizance of Suits, as in the issuing Process, mesne and final, and in all other Respects whatsoever, within the said *Indian Territories*, and other Parts of *America* not within the Limits of either of the Provinces of *Lower* or *Upper Canada*, or of any Civil Government of the United States, as the said Courts have or are invested with within the Limits of the said Provinces of *Lower* or *Upper Canada* respectively; and that all and every Contract, Agreement, Debt, Liability, and Demand whatsoever, made, entered into, incurred, or arising within the said *Indian Territories* and other Parts of *America*, and all and every Wrong and Injury to the Person or to Property, Real or Personal, committed or done within the same, shall be and be deemed to be of the same Nature, and be cognizable by the same Courts, Magistrates, or Justices of the Peace, and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of *Upper Canada*; any thing in any Act or Acts of Parliament, or Grant or Charter, to the contrary notwithstanding: Provided always, that all such Suits and Actions relating to Lands, or to any Claims in respect of Land, not being within the Province of *Upper Canada*, shall be decided according to the Laws of that Part of the United Kingdom called *England*, and shall not be subject to or affected by any Local Acts, Statutes, or Laws of the Legislature of *Upper Canada*.

Courts of Judicature established in Upper Canada to take Cognizance of Causes in Indian Territories

Actions relating to Lands not within the Province of Upper Canada to be decided according to the Law of England

VII. And be it further enacted, That all Process, Writs, Orders, Judgments, Decrees, and Acts whatsoever, to be issued, made, delivered, given, and done by or under the Authority of the said Courts, or either of them, shall have the same Force, Authority, and Effect within the

Proceedings of Courts to be issued in the same Manner as heretofore

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said *Indian Territory* and other Parts of *America* as aforesaid, as the same now have within the said Province of *Upper Canada*.

*Appointment
of Justices
of Peace*

VIII. And be it further enacted, That it shall be lawful for the Governor or Lieutenant Governor or Person administering the Government for the Time being of *Lower Canada*, by Commission under his Hand and Seal, to authorize all Persons who shall be appointed Justices of the Peace under the Provisions of this Act, within the said *Indian Territories*, or other Parts of *America* as aforesaid, or any other Person who shall be specially named in any such Commission, to act as a Commissioner within the same, for the Purpose of executing, enforcing, and carrying into Effect all such Process, Writs, Orders, Judgments, Decrees, and Acts, which shall be issued, made, delivered, given, or done by the said Courts of Judicature, and which may require to be enforced and executed within the said *Indian Territories*, or such other Parts of *North America* as aforesaid; and in case any Person or Persons whatsoever residing or being within the said *Indian Territories*, or such other Parts of *America* as aforesaid, shall refuse to obey or perform any such Process, Writ, Order, Judgment, Decree, or Act of the said Courts, or shall resist or oppose the Execution thereof, it shall and may be lawful for the said Justices of the Peace or Commissioners, and they or any of them are and is hereby required, on the same being proved before him, by the Oath or Affidavit of One credible Witness, to commit the said Person or Persons so offending as aforesaid to Custody, in order to his or their being conveyed to *Upper Canada*; and that it shall be lawful for any such Justice of the Peace or Commissioner, or any Person or Persons acting under his Authority, to convey or cause to be conveyed such Person or Persons so offending as aforesaid to *Upper Canada*, in pursuance of such Process, Writ, Order, Decree, Judgment, or Act, and such Person and Persons shall be committed to Gaol by the said Court,

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on his, her, or their being so brought into the said Province of *Upper Canada*, by which such Process, Writ, Order, Decree, Judgment, or Act was issued, made, delivered, given, or done, until a final Judgment or Decree shall have been pronounced in such Suit, and shall have been duly performed, and all Costs paid, in case such Person or Persons shall be a Party or Parties in such Suit, or until the Trial of such Suit shall have been concluded, in case such Person or Persons shall be a Witness or Witnesses therein: Provided always, that if any Person or Persons so apprehended as aforesaid shall enter into a Bond Recognizance to any such Justice of the Peace or Commissioner, with Two sufficient Sureties, to the Satisfaction of such Justice of the Peace or Commissioner, or the said Courts, conditioned to obey and perform such Process, Writ, Order, Judgment, Decree or Act as aforesaid, then and in such Case it shall and may be lawful for the said Justice of the Peace or Commissioner, or the said Courts, to discharge such Person or Persons out of Custody.

IX. And be it further enacted, That in case such Person or Persons shall not perform and fulfil the Condition or Conditions of such Recognizance, then and in such Case it shall and may be lawful for any such Justice or Commissioner, and he is hereby required, to assign such Recognizance to the Plaintiff or Plaintiffs, in any Suit in which such Process, Writ, Order, Decree, Judgment, or Act shall have been issued, made, delivered, given, or done, who may maintain an Action in the said Courts in his own Name against the said Sureties, and recover against such Sureties the full Amount of such Loss or Damage as such Plaintiff shall prove to have been sustained by him, by reason of the original Cause of Action in respect of which such Process, Writ, Order, Decree, Judgment, or Act of the said Courts were issued, made, delivered, given, or done as aforesaid, notwithstanding any thing contained in any Charter granted to

*For assigning
Recogniz-
ances issued*

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the said Governor and Company of Adventurers of
England trading to *Hudson's Bay*.

*Appointment
of Justices to
determine
Causes*

X. And be it further enacted, That it shall be lawful for His Majesty, if He shall deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid, as well within any Territories heretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay*, as within the *Indian* Territories of such other Parts of *America* as aforesaid; and it shall be lawful for the Court in the Province of *Upper Canada*, in any Case in which it shall appear expedient to have any Evidence taken by Commission, or any Facts or Issue, or any Cause or Suit ascertained, to issue a Commission to any Three or more of such Justices to take such Evidence, and return the same, or try such Issue, and for that Purpose to hold Courts, and to issue Subpœnas or other Processes to compel Attendance of Plaintiffs, Defendants, Jurors, Witnesses, and all other Persons requisite and essential to the Execution of the several Purposes for which such Commission or Commissions had issued, and with the like Power and Authority as are vested in the Courts of the said Province of *Upper Canada*; and any Order, Verdict, Judgment, or Decree that shall be made, found, declared, or published by or before any Court or Courts held under and by virtue of such Commission or Commissions, shall be considered to be of as full Effect, and enforced in like Manner, as if the same had been made, found, declared, or published within the Jurisdiction of the Court of the said Province; and at the Time of issuing such Commission or Commissions shall be declared the Place or Places where such Commission is to be opened, and the Courts and Proceedings thereunder held; and it shall be at the same Time provided how and by what Means the Expences of such Commission, and the Execution thereof, shall be raised and provided for.

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XI. And be it further enacted, That it shall be lawful for His Majesty, notwithstanding any thing contained in this Act, or in any Charter granted to the said Governor and Company of Adventurers of *England* trading to *Hudson's Bay*, from Time to Time, by any Commission under the Great Seal, to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid, to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes; and it shall be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission; any thing in this Act, or in any Charter of the Governor and Company of Merchant Adventurers of *England* trading to *Hudson's Bay*, to the contrary notwithstanding.

His Majesty may issue Commissions under the Great Seal empowering Justices to hold Courts of Record for the Trial of Criminal and Civil Offences

XII. Provided always, and be it further enacted, That such Courts shall be constituted, as to the Number of Justices to preside therein, and as to such Places within the said Territories of the said Company, or any *Indian* Territories, or other Parts of *North America* as aforesaid, and the Times and Manner of holding the same, as His Majesty shall from Time to Time order and direct; but shall not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take Cognizance of or try any Civil Action or Suit, in which the Cause of such Suit or Action shall exceed in Value the Amount or Sum of Two hundred Pounds; and in every case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation, the Court or any Judge of any such Court, or any Justice or Justices of the Peace, before whom any such Offender shall be brought, shall commit such Offender to safe Custody,

Court to be constituted as His Majesty shall direct

Power of the Court not to extend to Capital Offences; nor to Civil Actions where the Amount in Issue exceeds 200l.

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and cause such Offender to be sent in such Custody for Trial in the Court of the Province of *Upper Canada*.

*Allowing an
Appeal*

XIII. And be it further enacted, That all Judgments given in any Civil Suit shall be subject to Appeal to His Majesty in Council, in like Manner as in other Cases in His Majesty's Province of *Upper Canada*, and also in any Case in which the Right or Title to any Land shall be in question.

*Act not to
affect Rights
of Hudson's
Bay Com-
pany*

XIV. And be it further enacted, That nothing in this Act contained shall be taken or construed to affect any Right, Privilege, Authority, or Jurisdiction which the Governor and Company of Adventurers trading to *Hudson's Bay* are by Law entitled to claim and exercise under their Charter; but that all such Rights, Privileges, Authorities, and Jurisdictions shall remain in as full force, virtue, and effect, as if this Act had never been made; any thing in this Act to the contrary notwithstanding.

Extract from “An Act for repealing the Laws now in force relating to the Discovery of the Longitude at Sea. [15th July 1828.]” 9 GEORGE IV. c. 65, 66. A.D. 1828

“ ‘ WHEREAS by an Act made in the Fifty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act for more effectually discovering the Longitude at Sea, and encouraging Attempts to find a Northern Passage between the Atlantic and Pacific Oceans, and to approach the Northern Pole*, divers Acts therein recited, and Parts of other Acts therein mentioned, are repealed, and various other Regulations and Provisions are enacted, for the Appointment of Commissioners for the Discovery of the Longitude, and for other Purposes therein specified: And Whereas another Act was passed in the Second Year of the Reign of His present Majesty, for amending the said Act of the Fifty-eighth Year of His late Majesty: And Whereas it is deemed expedient to annul and repeal all the Powers and Authorities given by the said Acts;’ Be it therefore enacted by the King’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Two recited Acts, and all other Acts now in force relating to the Appointment or to the Authorities and Powers of Commissioners, or to the Payment of any Reward, for the Discovery of the Longitude at Sea, or for any Invention or Proposal relating to the same, except so far as hereinafter is provided, shall be and the same are hereby repealed.” 58 G. 3.
c. 20

*Recited Acts,
and all other
Acts relating
to rewards for
Discovery of
the Longitude
at Sea,
repealed.*

[Remainder of Act omitted.]

An Act for better enabling Her Majesty to confer certain Powers and Immunities on trading and other Companies.—(7 WM. IV and 1 VIC. c. 73 (17th July, 1837).)

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‘ WHEREAS divers Associations are and may be formed for trading or other Purposes, some of which Associations it would be inexpedient to incorporate by Royal Charters, although it would be expedient to confer on them some of the Privileges of and incident to Corporations created by Royal Charters, and also to invest such Associations or some of them with certain other Powers and Privileges: And whereas it would also be expedient to extend the Powers of Her Majesty in reference to the Creation of Corporations, and to the conferring of Privileges upon Corporations, and upon other Bodies or Companies enabled to sue and be sued: And whereas by an Act ^{6 G. 4. c. 91} passed in the Sixth Year of the Reign of His Majesty King George the Fourth, intituled *An Act to repeal so much of an Act passed in the Sixth Year of His late Majesty King George the First as relates to the restraining of several extravagant and unwarrantable Practices in the said Act mentioned ; and for conferring additional Powers upon His Majesty with respect to the granting of Charters of Incorporation to trading and other Companies*, it was amongst other things enacted, that in any Charter thereafter to be granted by His Majesty, His Heirs or Successors, for Incorporation of any Company or Body of Persons, it should and might be lawful in and by such Charter to declare and provide that the Members of such Corporation should be individually liable in their Persons and Property for the Debts, Contracts, and Engagements of such Corporation, to such Extent, and subject to such Regulations

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and Restrictions, as His Majesty, His Heirs or Successors, might deem fit and proper, and as should be declared and limited in and by such Charter, and the Members of such Corporation should thereby be rendered so liable accordingly: And whereas by an Act passed in the Session of Parliament held in the Fourth and Fifth Years of the Reign of His late Majesty, intituled *An Act to enable His Majesty to invest trading and other Companies with the Powers necessary for the due Conduct of their Affairs, and for the Security of the Rights and Interests of their Creditors*, His Majesty, His Heirs and Successors, were empowered to grant to unincorporated Companies and Associations certain Privileges in such last-mentioned Act set forth: And whereas the aforesaid Provisions of the said recited Acts have not been found effectual for the Purposes thereby intended, and it is therefore expedient to repeal the same, and to make such Provisions in reference to the several Matters aforesaid as are herein-after contained: ' Now therefore be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth as is hereinbefore set forth, and also the said recited Act of the Session of Parliament held in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, shall be and they are hereby respectively repealed.

*So much of
6 G. 4. c. 91
as is herein-
before set
forth, and the
4 & 5 W. 4.
c. 94
repealed*

*Privileges
may be
granted by
Letters
Patent to
Persons
associated
for Trading
or other
Purposes*

II. And be it enacted, That it shall and may be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent to be from Time to Time for that Purpose issued under the Great Seal of the United Kingdom of *Great Britain and Ireland*, or in Scotland under the Seal appointed by the Articles of Union to be used instead of the Great Seal thereof, to grant to any Company or Body of Persons associated together for any trading or other

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Purposes whatsoever, and to the Heirs, Executors, Administrators, and Assigns of any such Persons, although not incorporated by such Letters Patent, any Privilege or Privileges which, according to the Rules of the Common Law it would be competent to Her Majesty, Her Heirs and Successors, to grant to any such Company or Body of Persons in and by any Charter of Incorporation.

III. And be it enacted, That in any such Letters Patent so to be granted as aforesaid by Her Majesty, Her Heirs or Successors, to any such Company or Body of Persons so associated together as aforesaid, but not incorporated, it shall and may be lawful, in and by such Letters Patent, either expressly or by a general or special Reference to this Act, to provide and declare that all Suits and Proceedings, whether at Law, in Equity, or in Bankruptcy or Sequestration, or otherwise howsoever, as well in *Great Britain and Ireland* as in the Colonies and Dependencies thereof, by or on behalf of such Company or Body, or any Person or Persons as Trustee or Trustees for such Company or Body, against any Person or Persons, whether Bodies Politic or others, and whether Members or not of such Company or Body, shall be commenced and prosecuted in the Name of One of the Two Officers for the Time being to be appointed to sue and be sued on behalf of such Company or Body, and registered in pursuance of the Directions of such Appointment and Registration respectively herein-after contained; and that all Suits and Proceedings, whether at Law or in Equity, by or on behalf of any Person or Persons, whether Bodies Politic or others, and whether or not Members of such Company or Body, against such Company or Body, shall be commenced and prosecuted against one of such Officers, or if there shall be no such Officer for the Time being, then against any Member of such Company or Body: Provided nevertheless, that nothing in this Act or in such Letters Patent contained or to be contained shall

The Letters Patent so granted may provide that Suits shall be carried on in the Name of One of the Officers of any Company appointed for that purpose

Provide

prevent the Plaintiff from joining any Member of such Company or Body with such Officer as a Defendant in Equity, for the Purpose of Discovery, or in case of Fraud.

*Individual
Liability of
Members of
a Company
may be
restricted by
Letters
Patent*

IV. And be it enacted, That it shall and may be lawful, in and by such Letters Patent so to be granted to any such Body or Company as aforesaid, to declare and provide that the Members of such Company or Body so associated as aforesaid shall be individually liable in their Persons and Property for the Debts, Contracts, Engagements, and Liabilities of such Company or Body to such Extent only *per* Share as shall be declared and limited in and by such Letters Patent; and the Members of such Company or Body shall accordingly be individually liable for such Debts, Contracts, Engagements, and Liabilities respectively to such Extent only *per* Share as in such Letters Patent shall be declared and limited; such Liability nevertheless to be enforced in such Manner and subject to such Provisions as are herein-after contained.

*Deed of
Partnership
to be
executed*

V. And be it enacted, That every such Company or Body to which any such Privileges or Powers as herein-before mentioned shall be granted under the Authority of this Act shall be entered into or formed by a Deed of Partnership or Association, or an Agreement in Writing of that Nature; and the Undertaking shall by such Deed or Agreement be divided into a certain Number of Shares to be there specified; and in such Deed or Agreement, or in some Schedule thereto, there shall be set forth the Name or Style of the said Company or Body, the Names or Styles of the Members of the said Company or Body, the Date of the Commencement thereof, the Business or Purpose for which the said Company or Body is formed, and the principal or only Place for carrying on such Business; and in such Deed or Agreement there shall also be contained the Appointment of Two or more Officers to sue or be sued on behalf of such Company or Body in manner herein-after mentioned.

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VI. And be it enacted, That such Company or Body as aforesaid shall, within Three Calendar Months after the Grant of such Letters Patent as aforesaid, make or cause to be made a Return to such one of the Offices for Enrolment herein-after mentioned as shall be required under the Provisions of this Act, containing the Date of the Grant of such Letters Patent as aforesaid, the Name or Style of the said Company or Body, the Business or Purpose for which the said Company or Body is formed, the principal or only Place for carrying on such Business, the total Number of Shares in the said Company or Body (and each of which Shares is to be distinguished by a separate Number in regular Succession), the Amount to which each Share shall render the Holder thereof liable, the Names and (except as to Bodies Politic) the Places of Abode of all the Members thereof, and the distinctive Number or Numbers of the Share or respective Shares which each Member holds; and such Company or Body shall also at the same Time make a Return of the Names and Descriptions of the Officers appointed by such Company or Body to sue and be sued on behalf thereof in manner aforesaid; such Return to be made in the Form in the Schedule (A.) to this Act annexed.

VII. And be it enacted, That during the Continuance of any such Company or Body after it shall have been so registered no Change shall be made in the Name or Style thereof; and if the principal or only Place for carrying on the Business of the said Company or Body shall be changed the said Company or Body shall within Three Calendar Months after such Change make or cause to be made a Return to the said Office as aforesaid of such Change in the form in Schedule (B.) to this Act annexed.

VIII. And be it enacted, That in case any Person shall cease to be a Member of such Company or Body (except by means of the Transfer by Deed or Writing of any Share therein), or in case of the Addition of any Person thereto (except by means of the Transfer of any Share as aforesaid),

Return to be made as hereinafter mentioned of the granting of Letters Patent, and Style of Company

Regulations as to Change of Name or Place of Business

When Persons cease to be Members of Company, &c. except by Transfer or Change of Name of Member, Company to make Return within Three Months

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or of the Change of the Name of any Member thereof by Marriage or otherwise, the said Company or Body shall, within Three Calendar Months after Information shall be received by the said Company or Body of any Person so ceasing as aforesaid, or of such Change or Addition as aforesaid, make or cause to be made a Return to the said Office as aforesaid, containing the Names and Places of Abode of all Persons having ceased to be Members thereof (except as aforesaid), and the Names and Places of Abode of all Persons having become Members thereof (except as aforesaid), and specifying any Change in the Name of any Member thereof by Marriage or otherwise; such Return to be made in One of the Forms in the Schedule (C.) to this Act annexed, as the Case may be.

*On Transfer
of Shares,
Notice to be
given to the
Company or
Corporation
by Trans-
feree*

IX. And be it enacted, That on the Transfer by Deed or Writing of any Share in any such Company or Body as aforesaid, a Notice in Writing, specifying the Date of such Transfer, the distinguishing Number of the Share transferred, the Name and (except in the Case of a Body Politic) the Place of Abode of the Person by whom or on whose Behalf and of the Name and (except as aforesaid) the Place of Abode of the Person to whom such Transfer is made, shall be given to the said Company or Body, by leaving the Transfer, when executed by both Parties, or some Note or Memorandum thereof signed by them, at the principal or only Office of the said Company or Body.

*Company or
Corporation
to make
Return
within Three
Months after
receiving
Notice of
Transfer*

X. And be it enacted, That in case of the Transfer of any Share in such Company or Body, the said Company or Body shall, within Three Calendar Months after receiving such Notice as aforesaid of such Transfer, make or cause to be made a Return to the said Office as aforesaid, containing the Date of such Transfer, the distinguishing Number of the Share transferred, the Name and (except in the Case of a Body Politic) the Place of Abode of the Person by whom or on whose Behalf such Transfer is made, and of the Person to whom such Transfer is made, in the form in Schedule (D.) to this Act annexed; and

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such Company or Body are hereby required, on the Request in Writing of either of the Parties, forthwith to make such Return accordingly.

XI. And be it enacted, That where the Extent *per Any Person* Share of the Liability of the individual Members of any *having made* such Company or Body shall have been limited by Letters *Payment in* Patent as aforesaid, it shall be lawful for any Person who *respect of a* shall or may from Time to Time have advanced or paid *Share under* any Sum in consequence or by virtue of any Execution or *Judgment* Diligence issued against him in respect of any Share in *against a* such Company or Body, under any Judgment, Decree, *Company to* Interlocutor, or Order to be obtained against any Officer *make a* of the said Company or Body, or any Member thereof, in *Return* manner herein-after mentioned, to make a Return thereof *thereof* to such Office as aforesaid in the Form in Schedule (E.) to this Act annexed; and every such Return shall be accompanied with a proper Voucher or Vouchers of the Fact of such Payment, without which the same shall not be registered as herein-after mentioned.

XII. And be it enacted, That if any Sum or Sums *Company to* shall at any Time be repaid by any such Company or Body *make Return* as last aforesaid in respect of any such Sum which may *when* have been so advanced or paid by virtue of such Execution *Repayment* or Diligence, the said Company or Body shall forthwith *is made* make or cause to be made a Return to such Office as aforesaid, specifying the Amount of such Repayment, in the Form in Schedule (F.) to this Act annexed.

XIII. And be it enacted, That in case of the Death or *On Death* Resignation or Removal of any Officer appointed to sue *Resignation,* and be sued on behalf of any Company or Body to be *&c. of* formed in pursuance of any of the Provisions of this Act, *Officer* the said Company or Body shall forthwith appoint in his *appointed to* stead another Officer to sue and be sued on behalf of such *sue and be* Company or Body, and shall, within Three Calendar *half of Com-* Months after the Death, Resignation, or Removal of such *pany or Body,* Officer as aforesaid, make or cause to be made a Return *another to be* *appointed,* *and Return* *made*

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to the said Office as aforesaid, containing as well the Name and Description of the Person who has ceased to be such Officer in manner aforesaid as the Name and Description of the Officer who has been appointed to sue and be sued on behalf of such Company or Body; such Return to be made in the Form in Schedule (G.) to this Act annexed.

*Returns, how
to be signed
and verified*

XIV. And be it enacted, That all Returns to be made in manner aforesaid by such Company or Body shall be signed by One of such Officers, and shall be verified by a Declaration of such Officer made pursuant to the Provisions of the Statute of the Fifth Year of His late Majesty's Reign, intituled *An Act to repeal an Act of the Present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits ;' and to make other Provisions for the Abolition of unnecessary Oaths,* except that if there shall be no such Officer, or such Officer shall refuse to act, then such Return shall be signed and verified as aforesaid by some Member of the said Company or Body.

*Return of
Names of
Members
&c. not to be
rendered
invalid by
unintentional
Error*

XV. And be it enacted, That any Return to be made in manner aforesaid of the Name or Place of Abode of any original Member of such Company or Body, or of any Person to or in whom any Share in such Company or Body shall be transferred or become vested, shall not be rendered invalid for the Purposes of this Act by any Error or Omission in the same, if the said Company or Body shall, within One Calendar Month after Information of such Error or Omission shall be received by such Company or Body cause a correct Return to be made to the said Office as aforesaid in the Form in Schedule (F.) to this Act annexed: Provided always, that this Clause shall not invalidate or prejudice any intermediate Transaction or Matter whatsoever which shall have *bonâ fide* taken place

or proceeded upon the Faith of such erroneous or defective Return, nor shall the Benefit of this Clause extend to any Error or Omission which shall be fraudulent.

XVI. And be it enacted, That where the principal or only place for carrying on the Business of any such Company or Body as aforesaid shall be situated in any Part of *England* or *Wales*, the Returns herein-before directed shall be made to the Enrolment Office of the Court of Chancery in *England*; and where such principal or only Place for carrying on such Business shall be situate in any Part of *Scotland*, such Returns shall be made to His Majesty's General Registry Office at *Edinburgh*; and where such principal or only Place for carrying on such Business shall be situated in any Part of *Ireland*, such Returns shall be made to the Enrolment Office of the Court of Chancery in *Ireland*.

Returns, to what Office to be made respectively in England, Scotland, or Ireland

XVII. And be it enacted, That all such Returns as are herein-before directed to be made to the Enrolment Office of the Court of Chancery in *England* shall be registered by the Clerks of Enrolments in Chancery, or their Deputy, and that all such Returns as are herein-before directed to be made to the General Registry Office at *Edinburgh* shall be registered by the Lord Clerk Register or his Deputy, and all such Returns as are herein-before directed to be made to the Enrolment Office of the Court of Chancery in *Ireland* shall be registered by the Clerks of Enrolments in Chancery in *Ireland*, or their Deputy, in Books to be by them respectively kept for that Purpose, and that an alphabetical Index shall be kept of the Names of such Companies or Bodies, with References to such Returns, and that there shall be paid for the registering of each Return a Fee of Sixpence *per Folio*, and no more; and that any Person shall be at liberty to inspect such Books and Index, and that there shall be paid for such Inspection a Fee of One Shilling, and no more; and that any Person shall be at liberty to require a Copy of any such Return, to be certified by the said Clerks or their Deputy,

By whom Returns are to be registered

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and that there shall be paid for such Certificate a Fee of One Shilling and Sixpence for each Folio of such Copy, and no more ; and the Day of the Registration of every Return to be made in pursuance of this Act shall be written on such Return by the said Clerks or their Deputy.

Certified Copy of such Return, &c. to be received in Evidence XVIII. And be it enacted, That a Copy, so certified as aforesaid, of such Return, including the Date to be marked on such Return, shall be received in Evidence in all Proceedings, whether Civil or Criminal, and shall also be received as Evidence of the Day of the registering thereof.

Regulations as to Forms of Returns and Mode of Keeping the Register &c. by whom to be made XIX. And be it enacted, That such Orders and Directions as to the Forms of the Returns to be made in pursuance of this Act, and the Mode of keeping the Register, and of making the Index thereof, and of any other Matters incidental thereto, as may be deemed expedient, may from Time to Time be made, altered, or varied as follows; that is to say, as regards the Registration to be made in the Enrolment Office in the Court of Chancery in *England*, by the Lord Chancellor, Lord Keeper, or First Lord Commissioner of the Great Seal, and the Master of the Rolls, jointly; as regards the Registration to be made in the General Registry Office in *Edinburgh*, by the Lord Clerk Register and Lords of Council and Session jointly; and as regards the Registration to be made in the Court of Chancery in *Ireland*, by the Lord Chancellor of *Ireland* and Master of the Rolls in *Ireland* jointly.

No Person entitled to share in Profits till registered as a Member XX. And be it enacted, That no Person becoming a Member of any such Company or Body by the Transfer of any Share therein, or otherwise, shall be entitled to sue for or recover any Share of the Profits thereof, unless and until a Return of the Transfer or other Fact whereby he shall so become a Member shall be registered pursuant to the Provisions herein-before contained.

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XXI. And be it enacted, That any Person ceasing to be a Member of any such Company or Body, whether by the Transfer of any Share therein, or by Death or otherwise, shall be considered for all Purposes of Liability as continuing a Member of such Company or Body until a Return of the Transfer or other Fact whereby he shall have so ceased to be a Member shall be registered pursuant to the Provisions herein-before contained.

XXII. And be it enacted, That no Action, Suit, or Proceeding, whether Civil or Criminal, commenced either by or against any such Company or Body (whether in the Name of one of the Officers appointed to sue and be sued as aforesaid, or of some Member of such Company or Body, in the Case and in manner aforesaid), shall be abated or prejudiced by the Death or by any Act of such Officer or Person, or by the Resignation or Removal of such Officer, either before or after the Commencement of such Action, Suit, or Proceeding, or by any Change in the Members of such Company or Body by the Transfer of Shares or otherwise, but that the same shall be continued in the Name of such Officer or Member (as the Case may be) notwithstanding such Death or Act, or such Resignation or Removal, and notwithstanding such Change in the Members of such Company or Body.

XXIII. And be it enacted, That in all such Actions, Suits, and other Proceedings, whether Civil or Criminal, the Evidence of any such Officer as aforesaid, or of any Member of such Company or Body, shall be admissible in the like Manner as if such Officer or Member were not an Officer or Member of such Company or Body.

XXIV. And be it enacted, That all Judgments, Decrees, Interlocutors, and Orders obtained in any such Actions, Suits, or other Proceedings as aforesaid against such Officer or Member in manner aforesaid, whether such Member or Officer respectively be Party to such Actions, Suits, or Proceedings, as Plaintiff, Pursuer, Petitioner, or

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Defendant or Defender, shall have the same Effect against the Property and Effects of such Company or Body, and also (to the Extent herein-after mentioned) against the Persons, Property, and Effects of the individual existing or former Members thereof respectively, as if such Judgments, Decrees, Interlocutors, or Orders had been obtained against such Company or Body in Suits or Proceedings to which all the Persons liable as existing or former Members of such Company or Body had been Parties, and that Execution or Diligence, or Executions or Diligences, shall be issued thereon accordingly: Provided nevertheless, that where the Extent *per* Share of the Liability of the individual Members shall have been limited by any Letters Patent as aforesaid, no such Execution or Diligence shall be issued against any such individual existing and former Member of such Company or Body as aforesaid for a greater Sum than the Residue, if any, of the Amount for which, by virtue of such Letters Patent as aforesaid, such individual Member shall be liable in respect of the Share or Shares then or theretofore held by him in the said Company or Body, after deducting therefrom the Amount, if any, which shall appear by such Register as aforesaid to have been advanced and paid in respect of such Shares or any of them by himself or herself, or any previous or subsequent Holder of the same Shares or any of them, or the Representatives of any such Holder, under or by virtue of any former Execution or Diligence, and not repaid at the Time of issuing such subsequent Execution or Diligence.

*Bankruptcy
of Officer of
Company not
to affect
Company or
Liabilities
of Members*

XXV. And be it enacted, That the Bankruptcy, Insolvency, or stopping Payment of any Officer or Member of such Company or Body in his individual Capacity shall not be construed to be the Bankruptcy, Insolvency, or stopping Payment of such Company or Body; and that the Property and Effects of such Company or Body, and the Persons, Property, and Effects of the individual Members or other individual Members thereof (as the

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Case may be), shall, notwithstanding such Bankruptcy, Insolvency, or stopping Payment, be liable to Execution or Diligence in the same Manner as if such Bankruptcy, Insolvency, or stopping Payment had not taken place.

XXVI. And be it enacted, That in all Cases wherein it may be necessary for any Person to serve any Summons, Demand, or Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon the said Company or Body, Service thereof respectively on the Clerk of the said Company or Body, or by leaving the same at the head Office for the time being of the said Company or Body, or in case such Clerk of the said Office shall not be found or known, then Service thereof on any Agent or Officer employed by the said Company or Body, or by leaving the same at the usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Service of the same respectively on the said Company or Body. *Service of Notice on the Company*

XXVII. And be it enacted, That in all Cases wherein it may be necessary for the said Company or Body to give any Summons, Demand, or Notice of any Kind whatsoever to any Person or Corporation, under the Provisions or Directions contained in this Act, such Summons, Demand, or Notice may be given in Writing, signed by the Clerk, Attorney, or Solicitor for the Time being of the said Company or Body, without being required to be under the Common Seal of the said Company or Body. *Service of Notice by the Company*

XXVIII. And be it enacted, That in case of the Determination of such Company or Body, such Company or Body shall nevertheless be considered as subsisting, and to be in all respects subject to the Provisions of this Act, so long and so far as any Matters relating to such Company or Body shall remain unsettled, to the End and Intent that such Company or Body may do all Things necessary to the winding-up of the Concerns thereof, and that it may be sued and sue under the Provisions of this Act in respect of all Matters relating to such Company or Body. *Determination of Company not to prevent the winding up of their Affairs*

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*Duration of
Charters of
Incorporation
may be
limited*

XXIX. And be it also enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, in any Charter of Incorporation to be hereafter granted, to limit the Duration thereof for any Term or Number of Years, or for any other Period whatsoever; and also in any Charter of Incorporation (whether in Perpetuity or for any Term or Period), either by Reference to this Act or otherwise, to make the Corporation thereby formed, and the Officers and Members thereof, subject to all of the Provisions, Liabilities, and Directions herein-before authorized to be imposed on or required from any unincorporated Company or Body, or its Officers or Members, and also to confer on such Corporation or its Members and Officers all the Powers or Privileges herein-before authorized to be conferred on any unincorporated Company or Body, or its Officers or Members; and all the Powers, Provisions, Clauses, Matters, and Things herein-before contained in reference to unincorporated Companies or Bodies shall accordingly in such Case, and so far as the same may be applicable, be considered to belong and apply to such Corporation.

*Limitations
as to Exemptions to be
granted to
Companies
by Letters
Patent*

XXX. Provided always, and be it enacted, That nothing in this Act contained shall authorize or be construed to authorize Her Majesty, Her Heirs and Successors, by any such Letters Patent, to exempt any Company or Body of Persons associated as aforesaid from the Necessity of entering into a Deed of Partnership, from making the Return of the Patent to the Enrolment Office of the Court of Chancery, from the Necessity of carrying into execution the Provisions of this Act in respect to Change of Name or Style of the Company or Body associated, in respect to the Cessation, or to the Addition or to the Change of Name of any of the Individuals of the Company, or to the Transfer of Shares and to the Notices to be given thereof, or to the Payment of any Sum by any Shareholder on account of any Preferment against such Company or Body, or to the Returns to be made to the

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Enrolment Office, of such Payment, or of the Repayment thereof, or from making a Return to the said Office of the Name of the Officer appointed by said Company to sue and be sued on its Behalf, in case of the Death, Resignation, or Removal of the one registered, or to exempt any Company or Body so associated from the Provisions of this Act in relation to the Period at which its several Members shall become entitled or shall cease to share in the Profits thereof, the whole as required by the Provisions of this Act.

XXXI. Provided always, and be it enacted, That nothing in this Act contained shall authorize or be construed to authorize the Grant to any Company or Body of Persons of any Privilege in derogation of any exclusive Privileges now enjoyed by any Company or Corporation under any Act or Acts of Parliament. *Act not to affect existing Privileges*

XXXII. And be it enacted, That whenever an Application shall be made to Her Majesty to grant Letters Patent or a Charter of Incorporation to any Company or Body of Persons associated together for any Purpose of Trade, and such Application shall have been referred by Her Majesty to the Committee of Privy Council for Trade and Plantations, then, before any Report shall be made to Her Majesty, and before any such Letters Patent or Charter shall be granted, Notice of such Application shall be inserted by the Parties applying Three several Times in the *London Gazette* and in One or more of the Newspapers circulating within the County in which it is proposed that the principal Place of Business of such Company shall be established, at Intervals of not less than One Week. *Notice of Application for Letters Patent to be inserted in the London Gazette &c.*

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SCHEDULES TO WHICH THIS ACT REFERS

SCHEDULE (A.)

RETURN made pursuant to Statute

Vict.

Date of Letters Patent	Name of Company or Body	Business or Purpose	Place (or principal Place, if more than One,) of Business	Total Number of Shares	Liability in respect of each Share

(Names and Places of Abode of all the Members, and the distinctive Numbers of the Shares which each of them holds.)

(Names and Descriptions of the Officers appointed to sue and be sued on behalf of the Company or Body.)

I (one of the above-named Officers) do solemnly and sincerely declare, That the above is a true Return; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Fifth Year of the Reign of His late Majesty, intituled 'An Act,' &c.

Dated this Day of 18 .

(Declared, &c.) (Signature)

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SCHEDULE (B.)

RETURN made pursuant to Statute Vict.

CHANGE OF PLACE OF BUSINESS

Name of Company or Body	Business or Purpose	Former Place (or principal Place, if more than One,) of Business	Present Place (or principal Place) of Business

I (&c. as before)

(Date)

(Declared, &c.)

(Signature)

SCHEDULE (C.)

RETURN made pursuant to Statute Vict.

CHANGE OF MEMBERS

Name of Company or Body	Business or Purpose	Place (or principal Place, if more than One,) of Business

(Names and Places of Abode of all Persons having ceased to be Members [except by Transfer of Shares] since the last Return. Dated the Day of .)

(Names and Places of Abode of all Persons who have become Members [except by Transfer of Shares] since the last Return. Dated the Day of .)

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(Former Names and Places of Abode of Persons whose Names have been changed.)

(Present Names and Places of Abode of Persons whose Names have been changed.)

I (&c. as before).

(Date)

(Declared, &c.)

(Signature)

SCHEDULE (D.)

RETURN made pursuant to Statute

Vict.

TRANSFER OF SHARES

Name of Company or Body	Business or Purpose	Place (or principal Place, if more than One,) of Business	
Name and Place of Abode of Person by whom Transfer is made	Name and Place of Abode of Person to whom Transfer is made	The distinctive Numbers of the Shares transferred	Date of Transfer

I (&c. as before).

(Date)

(Declared, &c.)

(Signature)

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SCHEDULE (E.)

RETURN made pursuant to Statute Vict.

PAYMENT BY INDIVIDUAL MEMBER

Name of Company or Body	Business or Purpose	Place (or principal Place, if more than One,) of Business	
Name and Place of Abode of individual Member	Distinctive Num- bers of the Shares in respect of which Payment is made	Sum paid in respect of each Share	Total Amount paid under Exemptions or Diligence

I (&c. as before).

(Date)

(Declared, &c.)

(Signature)

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SCHEDULE (F.)

RETURN made pursuant to Statute Vict.

PAYMENT TO INDIVIDUAL MEMBERS

Name of Company or Body	Business or Purpose	Place (or principal Place, if more than One,) of Business	
Name and Place of Abode of individual Member	Distinctive Num- bers of the Shares in respect of which Repay- ment is made	Sum repaid in respect of each Share	Total Amount repaid to individual Member

I (&c. as before).

(Date)

(Declared, &c.)

(Signature)

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SCHEDULE (G.)

RETURN made pursuant to Statute Vict.

CHANGE OF OFFICER

Name of Company or Body	Business or Purpose	Place (or principal Place, if more than One,) of Business

*(Name and Description of the Person who has ceased to be
an Officer to sue and be sued on behalf of the Company or Body
since the last Return. Dated .)*

*(Name and Description of the Officer appointed to sue and
be sued on behalf of the Company or Body since the last Return.
Dated .)*

I (&c. as before).

(Date)

(Declared, &c.)

(Signature)

SCHEDULE (H.)

RETURN made pursuant to Statute Vict.

Corrected Return

(Copy of former incorrect Return)

[Copy]

*Amended Return with correct Names and Descriptions
(in such of the preceding Forms as are applicable to the Case
under the Provisions of the foregoing Act).*

I (&c. as before).

(Date)

(Declared, &c.)

(Signature)

*Extracts from "An Act to provide for the Govern-
ment of British Columbia. [2d August, 1858.]"* A.D.
1858
21 and 22 VIC: c. 99—1858.

"WHEREAS divers of Her Majesty's Subjects and others have, by the Licence and Consent of Her Majesty, resorted to and settled on certain wild and unoccupied Territories on the North-west Coast of *North America*, commonly known by the Designation of *New Caledonia*, and from and after the passing of this Act to be named *British Columbia*, and the Islands adjacent, for Mining and other Purposes; and it is desirable to make some temporary Provision for the Civil Government of such Territories, until permanent Settlements shall be thereupon established, and the Number of Colonists increased: Be it therefore enacted . . . as follows:

I. *British Columbia* shall, for the Purposes of this Act, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Frontier of the United States of *America*, to the East by the main Chain of the *Rocky Mountains*, to the North by *Simpson's River* and the *Finlay* Branch of the *Peace River*, and to the West by the *Pacific Ocean*, and shall include *Queen Charlotte's Island*, and all other Islands adjacent to the said Territories, except as herein-after excepted. *Boundaries
of British
Columbia.*

[II, III, IV and V omitted.]

VI. No Part of the Colony of *Vancouver's Island*, as at *Vancouver* present established, shall be comprised within *British Island*, as at *Columbia* for the Purpose of this Act; but it shall be ^{present} lawful for Her Majesty, Her Heirs and Successors, on ^{established,} receiving at any Time during the Continuance of this Act ^{not to be} a joint Address from the Two Houses of the Legislature ^{included in} of *Vancouver's Island*, praying for the Incorporation of *Columbia*. *British
Columbia.*

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that Island with *British Columbia*, by Order to be made as aforesaid, with the Advice of Her Privy Council, to annex the said Island to *British Columbia*, subject to such Conditions and Regulations as to Her Majesty shall seem expedient; and thereupon and from the Date of the Publication of such Order in the said Island, or such other Date as may be fixed in such Order, the Provisions of this Act shall be held to apply to *Vancouver's Island*."

Extracts from "An Act to define the Boundaries of the Colony of *British Columbia*, and to continue an Act to provide for the Government of the said Colony. [28th July, 1863.]" 26 and 27 VIC: c. 83—1863. A.D.
1863

"WHEREAS it is desirable to amend and continue an Act passed in the Twenty-first and Twenty-second Year of 21 & 22 Her Majesty, Chapter Ninety-nine, intituled *An Act to provide for the Government of British Columbia*: Be it therefore enacted . . . as follows:

1. The First Section of the aforesaid Act is repealed.

[2 omitted.]

*Sect 1 of
recited Act
repealed.*

3. *British Columbia* shall for the Purposes of the said Act, and for all other Purposes, be held to comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of *America*, to the West by the *Pacific Ocean* and the Frontier of the *Russian Territories* in *North America*, to the North by the Sixtieth Parallel of North Latitude, and to the East, from the Boundary of the United States Northwards, by the *Rocky Mountains* and the One hundred and twentieth Meridian of West Longitude, and shall include *Queen Charlotte's Island* and all other Islands adjacent to the said Territories, except *Vancouver's Island* and the Islands adjacent thereto." *Boundaries
of British
Columbia.*

Extracts from "An Act for the Union of the Colony of Vancouver Island with the Colony of British Columbia. [6th August 1866.]" 29 & 30 Vic: c. 67—1866.

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BE it enacted . . . as follows:

[1 and 2 omitted.]

“ 3. From and immediately after the Proclamation of this Act by the Governor of *British Columbia*, the Colony of *Vancouver Island* shall be and the same is hereby united with the Colony of *British Columbia*, and thenceforth those Two Colonies shall form and be One Colony, with the Name of *British Columbia* (which Union is in this Act referred to as the Union). *On Proclamation of this Act in British Columbia, Vancouver Island united therewith.*

4. On the Union taking effect, the Form of Government existing in *Vancouver Island* as a separate Colony shall cease, and the Power and Authority of the Executive Government and of the Legislature existing in *British Columbia* shall extend to and over *Vancouver Island*; . . . *As to Government of the United Colony.*

[5 and 6 omitted.]

7. Until the Union *British Columbia* shall comprise all such Territories within the Dominions of Her Majesty as are bounded to the South by the Territories of the United States of *America*, to the West by the *Pacific Ocean* and the Frontier of the *Russian* Territories in *North America*, to the North by the Sixtieth Parallel of North Latitude, and to the East from the Boundary of the *United States* Northwards by the *Rocky Mountains* and the One hundred and twentieth Meridian of West Longitude, and shall include *Queen Charlotte's Island* and all other Islands adjacent to the said Territories, except *Vancouver Island* and the Islands adjacent thereto. *Boundaries of British Columbia until Union.*

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*Boundaries
of British
Columbia
after Union.*

8. After the Union *British Columbia* shall comprise all the Territories and Islands aforesaid and *Vancouver Island* and the Islands adjacent thereto."

[9 omitted.]

Extract from "THE BRITISH NORTH AMERICA ACT, A.D.
1867
1867." 30 & 31 VIC: c. 3. 1867.

[1 to 145 omitted.]

"146. It shall be lawful for the Queen, by and with the Advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-western Territory, or either of them, into the Union, on such Terms and Conditions in each Case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the Provisions of this Act; and the Provisions of any Order in Council in that Behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland."

[147 omitted.]

“RUPERT’S LAND ACT, 1868.” 31-32 VIC: c. 105 A.D.
—1868. 1868

“An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of ‘The Governor and Company of Adventurers of England trading into Hudson’s Bay,’ and for admitting the same into the Dominion of Canada.

[31st July, 1868.]

WHEREAS by certain Letters Patent granted by His late Majesty King Charles the Second in the Twenty-second Year of His Reign certain Persons therein named were incorporated by the Name of ‘The Governor and Company of Adventurers of England trading into Hudson’s Bay,’ and certain Lands and Territories, Rights of Government, and other Rights, Privileges, Liberties, Franchises, Powers, and Authorities, were thereby granted or purported to be granted to the said Governor and Company in His Majesty’s Dominions in North America:

*Recital of
Charter of
Hudson’s
Bay Com-
pany, 22
Car. 2.*

And whereas by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for Her Majesty, by and with the Advice of Her Majesty’s most Honorable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert’s Land and the North-Western Territory, or either of them, into the Union on such Terms and Conditions as are in the Address expressed and as Her Majesty thinks fit to approve, subject to the provisions of the said Act:

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*Recital of
Agreement of
surrender.*

And whereas for the Purpose of carrying into effect the Provisions of the said British North America Act, 1867, and of admitting Rupert's Land into the said Dominion as aforesaid upon such Terms as Her Majesty thinks fit to approve, it is expedient that the said Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities, so far as the same have been lawfully granted to the said Company, should be surrendered to Her Majesty, Her Heirs and Successors, upon such Terms and Conditions as may be agreed upon by and between Her Majesty and the said Governor and Company as hereinafter mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as 'Rupert's Land Act, 1868.'

*Definition of
"Rupert's
Land."*

2. For the Purposes of this Act the Term 'Rupert's Land,' shall include the whole of the Lands and Territories held or claimed to be held by the said Governor and Company.

*Power to
Her Majesty
to accept
Surrender of
Lands, &c.,
of the Com-
pany upon
certain
Terms.*

3. It shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty by any Instrument under Her Sign Manual and Signet to accept a Surrender of all or any of the Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers, and Authorities whatsoever granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company; provided, however, that such Surrender shall not be accepted by Her Majesty until the Terms and Conditions upon which Rupert's Land shall be admitted into the said Dominion

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of Canada shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from both the Houses of the Parliament of Canada in pursuance of the One hundred and forty-sixth Section of the British North America Act, 1867; and that the said Surrender and Acceptance thereof shall be null and void unless within a Month from the Date of such Acceptance Her Majesty does by Order in Council under the Provisions of the said last recited Act admit Rupert's Land into the said Dominion; provided further, that no Charge shall be imposed by such Terms upon the Consolidated Fund of the United Kingdom.

4. Upon the Acceptance by Her Majesty of such Surrender all Rights of Government and Proprietary Rights, and all other Privileges, Liberties, Franchises, Powers, and Authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished; provided that nothing herein contained shall prevent the said Governor and Company from continuing to carry on in Rupert's Land or elsewhere Trade and Commerce.

*Extinguish-
ment of all
Rights of the
Company.*

5. It shall be competent to Her Majesty by any such Order or Orders in Council as aforesaid, on Address from the Houses of the Parliament of Canada, to declare that Rupert's Land shall, from a Date to be therein mentioned, be admitted into and become Part of the Dominion of Canada; and thereupon it shall be lawful for the Parliament of Canada from the Date aforesaid to make, ordain, and establish within the Land and Territory so admitted as aforesaid all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein: Provided that, until

*Power to Her
Majesty by
Order in
Council to
admit
Rupert's
Land into
and form
Part of the
Dominion of
Canada.*

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HUDSON'S BAY COMPANY

*Jurisdiction
of present
Courts and
Officers
continued.*

otherwise enacted by the said Parliament of Canada, all the Powers, Authorities, and Jurisdiction of the several Courts of Justice now established in Rupert's Land, and of the several Officers thereof, and of all Magistrates and Justices now acting within the said Limits, shall continue in full force and effect therein."

DOMINION ACTS

Extracts from: "An Act respecting the Public Lands of the Dominion. [Assented to 14th April, 1872.]" * 35 VIC: c. 23. THE DOMINION LANDS ACT—1872.

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1872

* The several Acts respecting the lands of the Dominion were amended and consolidated by 42 Vic: c. 31 (1879). The sections here given, together with the amendments made by 37 Vic: c. 19 (1874) appear in the 1879 Dominion Lands Act as Sections 17-21, both inclusive.

A further amending and consolidating Act (46 Vic: c. 17) was passed in 1883. The sections given above, together with the amendments made by 37 Vic: c. 19 (1874), are the same but the sections are renumbered thus:—

1872 Act.	1883 Act.
S. 17 - - - - -	S. 18
Second recital - - - - -	S. 18 (2)
Third recital - - - - -	S. 18 (3)

(The word "each" occurring in the last line of the 1872 Act is omitted in the Act of 1883.)

Fourth recital.

S. 18 (amended by 1874 Act) - - -	S. 18 (4)
	S. 18 (5)
S. 19 - - - - -	S. 18 (6)
S. 20 - - - - -	S. 18 (7)

(The words "as mentioned in clause seventeen" in the 1872 Act are omitted in the 1883 Act, but the words "as above mentioned" are substituted in lieu thereof in the 1883 Act.)

1872 Act.	1883 Act.
S. 21 - - - - -	S. 18 (9)

(The following amendments to section 21 of the 1872 Act are made by the Act of 1883—)

In place of "Surveyor General" substitute "Minister of the Interior".

In place of "under clause seventeen" substitute "under this clause".

In place of "set apart by lot" substitute "set apart by allotment".

In place of "as provided in clauses eighteen and nineteen" substitute "as provided in sub-clauses five and six".

1874 Act.	1883 Act.
S. 18 (amending S. 18 of 1872 Act). -	S. 18 (5)
Proviso added to S. 20 of 1872 Act. -	S. 18 (8)

A general revision of the Dominion Statutes was made in 1886 in which "*The Dominion Lands Act*" appears as Chapter 54 (49 Vic: c. 54). Section 22 relates to *Lands Reserved by the Hudson's Bay Company*. (post)

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[1 to 16 omitted.]

Preamble. "17. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the 'Fertile Belt:'

Preamble. And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth:

Preamble. And whereas it is found by computation that the said one-twentieth will be exactly met, by allotting in every fifth township two whole sections of six hundred and forty acres each and in all other townships one section and three quarters of a section each, therefore—

Certain sections and parts of sections in certain townships to be known as Hudson's Bay Company's lands. In every fifth township in the said territory; that is to say: in those townships numbered 5, 10, 15, 20, 25, 30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company.

In certain townships the Company's one twentieth to be set apart by lot. 18. Provided, that the next preceding clause shall not apply to fractional townships or those broken by lakes, but only to whole townships, and that in the cases

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above mentioned the Company's one-twentieth shall be set apart by lot, by the Secretary of State and the said Company, or some person duly authorized by them respectively.

[*This section was repealed and a new section substituted by section 3 of 37 Vic: c. 19. (1874) (post).*]

19. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them or any portion of them be found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, then if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

Company may select land in lieu of allotted land found to be settled upon under lawful authority.

20. Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such townships, but shall be held to be the property of the Company.

Company's lands to form no part of timber limits.

[*A new sub-section was added to this section by section 4 of 37 Vic: c. 19—1874. (post).*]

21. As townships are surveyed and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Surveyor General, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the

Title to lands to pass to Company without Patent in certain cases, and under patents in other cases.

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above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the Local Agent or Agents to the Dominion Lands Office, and patents shall issue for the same accordingly.

[22 to 45 omitted.]

*Timber
forming
islands or
belts in
townships
thrown open
for settlement
to be disposed
of so as to
benefit the
greatest
possible
number of
settlers and
prevent petty
monopoly,
and how.*

46. And whereas it is expedient that the timber forming Islands or Belts in townships thrown open for settlement, should be so disposed of as to benefit the greatest possible number of settlers and to prevent petty monopoly, it is therefore enacted as follows:—

1. In the subdivision of townships which may consist partly of prairie and partly of timber land, such of the sections or subdivisions of sections containing Islands, Belts, or other tracts of timber, shall be subdivided into such number of wood lots of not less than ten, and not more than twenty acres in each lot, as will afford, so far as the extent of wood land in the township may permit, one such wood lot to each quarter section prairie farm in such township.

2. Provided, that neither the sections and parts of sections in each township vested in the Hudson's Bay Company by this Act nor those sections set apart herein for schools, shall be subject in any way to the operation of the next preceding sub-clause."

[47 to 108 omitted.]

Extracts from: "An Act to amend the Dominion
Lands Act. [*Assented to 26th May, 1874.*]" 37 A.D.
VIC: C. 19. THE DOMINION LANDS ACT, 1874. 1874

[1 and 2 omitted.]

3. [*Section eighteen of the Dominion Lands Act, 1872, Section 18 is repealed and the following section is substituted in lieu repealed. thereof*]:—

"18. Provided that the Company's one twentieth of *New section*
the lands in fractional townships shall be satisfied out *substituted.*
of one, or other, or both, as the case may be, of the
sections nos. eight and twenty-six as above, in such
fractional townships, the allotment thereof to be effected
by the Minister of the Interior and the said Company,
or some person duly authorised by them respectively."

4. [*Section twenty of the Dominion Lands Act, 1872, Section 20 is amended by adding the following sub-section at the end amended. thereof*]:—

"2. Provided further, that one-twentieth of the *New sub-*
revenue derived from timber limits which may be *section added*
granted in unsurveyed territory within the fertile belt, *to section 20.*
as hereinafter provided, shall be annually, so long as
the townships comprised in the same remain unsur-
veyed, paid and accounted for to the Company,—such
one-twentieth to cease or to be diminished in pro-
portion as the townships comprised in such limits, or
any of them, may be surveyed, in which event, the Com-
pany shall receive their one-twentieth interest in the
lands in such townships in sections eight and twenty-six
as hereinbefore enacted: Provided, nevertheless, that on *Proviso.*
such sections being surveyed as aforesaid, should the
same or either of them prove to have been denuded of
timber by the lessee, to the extent of one half or more,

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then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township.'

[5 to 8 omitted.]

*Section 44
repealed.*

9. [Section forty-four of the Dominion Lands Act, 1872, is repealed and the following section is substituted in lieu thereof]:—

*New section
substituted
for section 44*

*Proviso as
to working of
coal mines.*

'44. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land; such application must be accompanied by a description by a deputy surveyor setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall not exceed six hundred and forty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same—and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine worked, as shall correspond to the application and to the extent of land paid for:

*Proviso: as
to H.B.Co.*

*Proviso: as
to survey.*

'Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted: Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained:

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‘ Provided further that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase money which may have been paid to the Government on account thereof.’ ”

*Proviso:
continuous
working
required.*

[10 to 23 omitted].

“An Act to amend and consolidate the several Acts
respecting the Public Lands of the Dominion.
[Assented to 15th May, 1879.]” 42 VIC:
C. 31. THE DOMINION LANDS ACT, 1879. A.D.
1879

[1 to 16 omitted.]

“17. Whereas by article five of the terms and con- *Recital.*
ditions in the deed of surrender from the Hudson’s Bay
Company to the Crown, the said Company is entitled
to one-twentieth of the lands surveyed into townships in
a certain portion of the territory surrendered, described
and designated as the ‘Fertile Belt:’

And whereas by the terms of the said deed, the right *Recital.*
to claim the said one-twentieth is extended over the period
of fifty years, and it is provided that the lands comprising
the same shall be determined by lot; and whereas the said
Company and the Government of the Dominion have
mutually agreed that with a view to an equitable distri-
bution throughout the territory described, of the said
one twentieth of the lands, and in order further to
simplify the setting apart thereof, certain sections or parts
of sections, alike in numbers and position in each town-
ship throughout the said territory, shall, as the townships
are surveyed, be set apart and designated to meet and
cover such one twentieth:

And whereas it is found by computation that the said *Recital.*
one twentieth will be exactly met, by allotting in every
fifth township two whole sections of six hundred and
forty acres each, and in all other townships one section and
three quarters of a section each, therefore—

In every fifth township in the said territory; that is to
say: in those townships numbered, 5, 10, 15, 20, 25, 30,

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1879

HUDSON'S BAY COMPANY

Certain sections and parts of sections in certain townships to be known as Hudson's Bay Coy.'s lands.

The Company's one-twentieth in fractional townships.

Company may select land in lieu of allotted land found to be settled upon under authority.

Company's lands to form no part of timber limits.

The Company to be paid one-twentieth of the revenues from timber limits in unsurveyed territory within the fertile belt.

35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections Nos. 8 and 26, and in each and every of the other townships, the whole of section No. 8, and the south half and north-west quarter of section 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company.

18. Provided that the Company's one twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships,—the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorised by them respectively.

19. Provided further, that on the survey of the township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, then if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

20. Provided also, as regards the sections and parts of sections as mentioned in clause seventeen, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits included in such township, but shall be held to be the property of the Company:

2. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company, such one-twentieth to

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cease or to be diminished in proportion as the townships comprised in such limits, or any of them, may be surveyed, —in which event the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted. Provided, nevertheless, that on such sections being surveyed as aforesaid, should the some or either of them prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township.

Proviso: as to lands denuded of timber. (1872 & 1874.)

21. As townships are surveyed and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Surveyor-General, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under clause seventeen, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands; and as regards the lands set apart by lot, and those selected to satisfy the one-twentieth in townships other than the above, as provided in clauses eighteen and nineteen, returns thereof shall be made in due course by the local agent or agents, to the Dominion Lands Office, and patents shall issue for the same accordingly.

Title to lands to pass to Company without Patent in certain cases, and under Patents in other cases.

[22 to 44 omitted.]

45. The Minister of the Interior shall have power to protect any person or persons desiring to carry on coal mining in unsurveyed territory, in the possession of the lands on which such mining may be carried on,—provided, that before entering on the working of such mines, such person or persons make written application to the local agent to purchase such land; such application

Provision as to working coal mines.

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*Filing
application.*

*Patent
(1874).*

*Proviso: as
to H.B.Co.*

*Further
proviso
(1874).*

*Proviso for
continuous
working
(1874).*

must be accompanied by a description by a Dominion Land Surveyor, setting forth generally the situation and the dimensions of such land, and shall also be accompanied by payment of the price thereof, estimating the number of acres (which shall be in the discretion of the Minister, but shall in no case exceed three hundred and twenty) at the rate of one dollar per acre. Such application shall be filed by the agent receiving the same—and on the survey of the township containing the land applied for being effected, the claimant or claimants shall be entitled to a patent for such number of acres, in legal subdivisions, including and covering the mine work, as shall correspond to the application and to the extent of land paid for:

Provided that all operations under this section shall be subject to the rights of the Hudson's Bay Company to sections 8 and 26 as hereinbefore enacted: Provided further, that the survey of the township within which such land may be situate, shall not be delayed beyond a period of five years after the date of the purchase of such land, without the consent of the Hudson's Bay Company thereto first had and obtained:

Provided further, that such mine shall have been continuously worked, to the satisfaction of the Minister of the Interior, during the interim between the application and the survey; but if the same should at any time during such interim cease to be worked for twelve consecutive months, unless the lands in question be no longer valuable for mining purposes, then the claim of the parties to the land shall lapse, and the mine shall be forfeited to the Crown, together with any and all purchase-money which may have been paid to the Government on account thereof."

[46 omitted.]

Extracts from : "An Act further to amend and to consolidate, as so amended, the several Acts respecting the Public Lands of the Dominion therein mentioned. [*Assented to 25th May, 1883.*]" 46
VIC: C. 17. THE DOMINION LANDS ACT, 1883.

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1883

[1 to 17 omitted.]

"18. Whereas by article five of the terms and conditions in the deed of surrender from the Hudson's Bay Company to the Crown, the said Company is entitled to one-twentieth of the lands surveyed into townships in a certain portion of the territory surrendered, described and designated as the 'Fertile Belt;' *Recital.*

2. And whereas by the terms of the said deed, the right to claim the said one-twentieth is extended over the period of fifty years, and it is provided that the lands comprising the same shall be determined by lot; and whereas the said Company and the Government of the Dominion have mutually agreed that with a view to an equitable distribution throughout the territory described, of the said one-twentieth of the lands, and in order further to simplify the setting apart thereof, certain sections or parts of sections, alike in numbers and position in each township throughout the said territory, shall, as the townships are surveyed, be set apart and designated to meet and cover such one-twentieth; *Recital.*

3. And whereas it is found, by computation, that the said one-twentieth will be exactly met by allotting in every fifth township two whole sections of six hundred and forty acres each, and, in all other townships, one section and three quarters of a section: therefore— *Recital.*

4. In every fifth township in the said territory, that is to say: in those townships numbered 5, 10, 15, 20, 25,

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Certain sections and parts of sections in certain townships to be Hudson's Bay Company's lands.

Company's land in fractional townships.

30, 35, 40, 45, 50, and so on in regular succession northerly from the international boundary, the whole of sections numbers 8 and 26, and in each and every of the other townships, the whole of section number 8, and the south half and north-west quarter of section number 26 (except in the cases hereinafter provided for) shall be known and designated as the lands of the said Company:

5. Provided, that the Company's one-twentieth of the lands in fractional townships shall be satisfied out of one, or other, or both, as the case may be, of the sections numbers eight and twenty-six as above, in such fractional townships,—the allotment thereof to be effected by the Minister of the Interior and the said Company, or some person duly authorized by them respectively:

Company may select lands in lieu of any found settled upon by authority.

6. Provided further, that on the survey of a township being effected, should the sections so allotted, or any of them, or any portion of them, be found to have been *bonâ fide* settled on under the authority of any Order in Council, or of this Act, then, if the Company forego their right to the sections settled upon as aforesaid, or any one or more of such sections, they shall have the right to select a quantity of land equal to that so settled on and in lieu thereof, from any lands then unoccupied:

Company's lands not to be included in timber limits.

7. Provided also, as regards the sections and parts of sections as above mentioned, that where the same may be situate in any township withdrawn from settlement and sale, and held as timber lands under the provisions hereinafter contained, the same shall form no part of the timber limit or limits, included in such township, but shall be held to be the property of the Company:

Company to have one-twentieth of revenue from timber limits in unsurveyed lands in fertile belts.

8. Provided further, that one-twentieth of the revenue derived from timber limits which may be granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall be annually, so long as the townships comprised in the same remain unsurveyed, paid and accounted for to the Company,—such one-twentieth to cease or to be diminished in proportion as the townships

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comprise, in such limits, or any of them, may be surveyed, in which event the Company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six as hereinbefore enacted: Provided nevertheless, that on such sections being surveyed as aforesaid, should the same, or either of them, prove to have been denuded of timber by the lessee, to the extent of one-half or more, then, in such case the Company shall not be bound to accept such section or sections so denuded, and shall have the right to select a section or sections to an equal extent in lieu thereof from any unoccupied lands in such township.

*Proviso: as
to lands found
denuded of
timber.*

9. As townships are surveyed, and the respective surveys thereof confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the said Company shall be duly notified thereof by the Minister of the Interior, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the Company will be entitled under this clause, as aforesaid, and to vest the same in the said Company, without requiring a patent to issue for such lands; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth in townships other than the above, as provided in sub-clauses five and six, returns thereof shall be made in due course by the Local Agent, or Agents, to the Dominion Lands Office, and patents shall issue for the same accordingly."

*Title to
lands to pass
to Company
without
patent in
certain cases,
but by patent
in others.*

[19 to 126 omitted.]

Extracts from: "An Act respecting Public Lands." A.D.
 49 VIC: c. 54. THE DOMINION LANDS ACT, 1886
 1886.

[1 to 21 omitted.]

"22. In every fifth township in the territory sur- *Certain*
 rendered to the Crown by the Hudson's Bay Company, *sections and*
 and described and designated as the 'fertile belt', that *parts of*
 is to say: in those townships numbered five, ten, fifteen, *sections in*
 twenty, twenty-five, thirty, thirty-five, forty, forty-five, *certain town-*
 fifty and so on in regular succession northerly from the *ships to be*
 International boundary, the whole of sections numbers *Hudson's Bay*
 eight and twenty-six, and in each and every of the other *Company's*
 townships, the whole of section number eight, and the *lands.*
 south half and north-west quarter of section number
 twenty-six, except in the cases hereinafter provided for,
 shall be known and designated as the lands of the said
 company:

[2. *Is the same (omitting the opening words 'provided that' as s. 3 of 37 Vic: c. 19 of the Dominion Lands Act, 1874).*]

3. If, when the survey of a township is effected, the *Company*
 sections so allotted, or any of them, or any portion of them, *may select*
 are found to have been *bonâ fide* settled on under the *lands in lieu*
 authority of any Order in Council, or of this Act, the *of any found*
 company may, if it foregoes its right to the sections settled *settled upon*
 upon as aforesaid, or any one or more of such sections, *by authority.*
 select a quantity of land equal to that so settled on, and in
 lieu thereof, from any lands then unoccupied:

4. When the sections and parts of sections above *Company's*
 mentioned, are situate in any township withdrawn from *lands not to*
 settlement and sale, and held as timber lands under *be included*
 the provisions hereinafter contained, the same shall form *in timber*
limits.

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no part of the timber limit or limits included in such township, but shall be the property of the company:

Company to have one-twentieth of revenue from timber limits in unsurveyed lands in fertile belt.

5. One-twentieth of the revenue derived from timber limits granted in unsurveyed territory within the fertile belt, as hereinafter provided, shall, so long as the townships comprised in the same remain unsurveyed, be annually paid and accounted for to the company; but such one-twentieth shall cease or be diminished in proportion as the townships comprised in such limits, or any of them, are surveyed; and in such case the company shall receive their one-twentieth interest in the lands in such townships in sections eight and twenty-six, as hereinbefore provided:

As to lands found denuded of timber.

6. If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by the lessee, to the extent of one-half or more, the company shall not be bound to accept such section or sections so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township:

Title to lands to pass to Company without patent in certain cases.

7. As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart and reserved from sale as timber lands, the Governor of the company shall be duly notified thereof by the Minister, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the company is entitled under this clause, as aforesaid, and to vest the same in the company, without the issue of a patent for such lands; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth in townships other than the above, as provided in sub-clauses two and three of this clause, returns thereof shall be made in due course by the local agent or agents, to the Dominion lands office, and patents shall issue for the same accordingly."

Issue of patents in other cases.

[23 to 139 omitted.]

Extracts from : " An Act respecting Public Lands."
5 ED: VII. c. 55. The Dominion Lands Act, 1906.

A.D
1906

1906 Act. 1886 Act.

S. 81 is identical with S. 22

S. 82 „ „ „ S. 22 (2)

(Except for the words " some person only authorised by them respectively " (last line of the section of the 1886 Act) which, in the corresponding section of the 1906 Act is substituted by the words " by both of them duly authorised ".)

S. 83 is identical with S. 22 (3)

SECTION 84: *Follows S. 22 (4) of the 1886 Act, but is remodelled thus :*

The lands to which the Company is entitled as in this Act hereinbefore provided, which are situate in any township withdrawn from settlement and sale and held as timber lands under the provisions herein contained, shall not form part of the timber limit or limits included in such township, but shall be the property of the Company.

1906 Act.

1886 Act.

85

S. 22 (5)

Section 85 is practically identical with section 22 (5) of the 1886 Act. The following are the amendments :

In place of "hereinafter" substitute "herein." Between "The" and "Company" insert "said," and in place of "hereinbefore" substitute "herein." (The words first mentioned are found in the 1886 Act.)

86 is identical with S. 22 (6)

87 „ „ „ S. 22 (7) except as follows:

Omit " under this clause." In place of " in townships other than the above, as provided in sub-clauses two and three of this clause " (1886 Act) substitute, in 1906 Act " as hereinbefore provided."

REVISED STATUTES OF CANADA—CHAPTER 113

“An Act to consolidate and amend the Acts respecting the Public Lands of the Dominion. [*Assented to 20th July, 1908.*]” 7-8 EDWARD VII
c. 20, 1908. A.D.
1908

[*Preamble omitted.*]

“1. This Act may be cited as *The Dominion Lands Act*. *Short title.*

[*2 to 43 omitted.*]

44. In that portion of the territory surrendered to the Crown by the Hudson's Bay Company, which in the deed of surrender is described as being bounded 'on the south by the United States boundary, on the west by the Rocky Mountains, on the north by the Northern branch of the Saskatchewan River, on the east by Lake Winnipeg, the Lake of the Woods and the waters connecting them,' every fifth township, namely, those townships numbered five, ten, fifteen, twenty, twenty-five, thirty, thirty-five, forty, forty-five, fifty, and so on in regular succession between the said southern and northern boundaries of the said territory, the whole of sections numbered eight and twenty-six, and in each and every of the other townships in the said territory, the whole of section numbered eight, and the south half and north-west quarter of section numbered twenty-six, except in the cases hereinafter provided for, shall be known and designated as the Hudson's Bay Company's lands: Provided that in the case of any township abutting on the northern bank of the Northern Branch of the Saskatchewan River, the company, as provided in such deed of surrender, may take its one-twentieth of any such township which shall not extend more than five miles inland from the river, but

*Certain
sections to be
Hudson's Bay
Co.'s lands.*

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1908

HUDSON'S BAY COMPANY

only in exchange for an equal quantity of lands to which the company is entitled and which abut on the southern bank of such river.

In fractional townships. 45. The company's one-twentieth of the lands in fractional townships shall be satisfied out of one or other or both, as the case may be, of the sections numbered eight and twenty-six as above, in such fractional townships, and the allotment thereof shall be effected by the Minister and the said company, or by some person by both of them duly authorized.

Selection instead of land already settled. 46. If, when the survey of a township is effected, the sections so allotted, or any of them, or any portion of them, are found to have been bona fide settled on, the company may, if it foregoes its right to the sections settled upon as aforesaid, or to any one or more of such sections, select a quantity of land equal to that so settled on, and in lieu thereof, from any lands then unoccupied.

Hudson's Bay Co.'s lands not included in timber limits. 47. The lands to which the company is entitled, as in this Act hereinbefore provided, which are situate in any township withdrawn from settlement and sale and held as timber lands or as a forest reserve, shall not be included in any timber limit or berth, or in such forest reserve, but shall be the property of the company.

Revenue from timber limits in unsurveyed land. 48. One-twentieth of the revenue derived from any timber berths in any unsurveyed portion of the territory described in section 44 of this Act shall be annually accounted for and paid to the company until the said territory is surveyed in whole or in part into townships, when such accounting for and payment shall wholly cease or be diminished as the townships are surveyed and the company receives its one-twentieth interest in the lands in such townships out of sections eight and twenty-six as herein provided.

As to lands found denuded of timber. 49. If the said sections, or either of them, when surveyed as aforesaid, prove to have been denuded of timber by a licensee, to the extent of one-half or more, the company shall not be bound to accept such section or sections

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so denuded, and shall be entitled to select a section or sections of an equal extent, in lieu thereof, from any unoccupied lands in the township.

50. As townships are surveyed, and the respective surveys thereof are confirmed, or as townships or parts of townships are set apart, and reserved from sale as timber lands, the Governor of the company shall be duly notified thereof by the Minister, and thereupon this Act shall operate to pass the title in fee simple in the sections or three-quarter parts of sections to which the company is entitled as aforesaid, and to vest them in the company, without the issue of letters patent for such lands; and as regards the lands set apart by allotment, and those selected to satisfy the one-twentieth, as hereinbefore provided, returns thereof shall be made in due course by the local agent or agents, to the Minister, and letters patent shall issue therefor accordingly.”

*Title to
lands to pass
to Hudson's
Bay Co.*

PROVINCIAL ACTS

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Extracts from "THE MANITOBA ACT, 1870." 33 & A.D.
34 VIC: c. 3. 1870. 1870

[1 to 29 omitted.]

"30. All ungranted or waste lands in the Province shall be, from and after the date of the said transfer, vested in the Crown, and administered by the Government of Canada for the purposes of the Dominion, subject to, and except and so far as the same may be affected by, the conditions and stipulations contained in the agreement for the surrender of Rupert's Land by the Hudson's Bay Company to Her Majesty. *Ungranted lands vested in the Crown for Dominion purposes.*

[31 omitted.]

32. For the quieting of titles, and assuring to the settlers in the Province the peaceable possession of the lands now held by them, it is enacted as follows:—

1. All grants of land in freehold made by the Hudson's Bay Company up to the eighth day of March, in the year 1869, shall, if required by the owner, be confirmed by grant from the Crown. *Grants by H.B. Company.*

2. All grants of estates less than freehold in land made by the Hudson's Bay Company up to the eighth day of March aforesaid, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown. *The same.*

3. All titles by occupancy with the sanction and under the license and authority of the Hudson's Bay Company up to the eighth day of March aforesaid, of land in that part of the Province in which the Indian Title has been extinguished, shall, if required by the owner, be converted into an estate in freehold by grant from the Crown. *Titles by occupancy with permission.*

[4 and 5 omitted.]

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[33 omitted.]

*Rights of
H.B. Com-
pany not
affected.*

34. Nothing in this Act shall in any way prejudice or affect the rights or properties of the Hudson's Bay Company, as contained in the conditions under which that Company surrendered Rupert's Land to Her Majesty."

[35 and 36 omitted.]

ORDERS IN COUNCIL
IMPERIAL

ORDER IN COUNCIL admitting Rupert's Land and the North-Western Territory into the Dominion of Canada. At the Court at Windsor, the 23rd day of June, 1870.

A.D.
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PRESENT:

The QUEEN'S Most Excellent Majesty.

Lord President.

Lord Privy Seal.

Lord Chamberlain.

Mr. Gladstone.

WHEREAS by the British North America Act, 1867, it was (amongst other things) enacted that it should be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Address from the Houses of the Parliament of Canada, to admit Rupert's Land and the North-Western Territory, or either of them, into the Union on such terms and conditions in each case as should be in the Addresses expressed, and as the Queen should think fit to approve, subject to the provisions of the said Act. And it was further enacted that the provisions of any Order in Council in that behalf should have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland:

And whereas by an Address from the Houses of the Parliament of Canada, of which Address a copy is contained in the schedule to this Order annexed, marked A, Her Majesty was prayed, by and with the advice of Her Most Honourable Privy Council, to unite Rupert's Land and the North-Western Territory with the Dominion of

Canada, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government upon the terms and conditions therein stated:

And whereas by the Rupert's Land Act, 1868, it was (amongst other things) enacted that it should be competent for the Governor and Company of Adventurers of England trading into Hudson's Bay (herein-after called the company) to surrender to Her Majesty, and for Her Majesty by any Instrument under Her Sign Manual and Signet to accept a surrender for all or any of the lands, territories, rights, privileges, liberties, franchises, powers, and authorities whatsoever granted or purported to be granted by certain Letters Patent therein recited to the said company within Rupert's Land upon such terms and conditions as should be agreed upon by and between Her Majesty and the said company; provided, however, that such surrender should not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land should be admitted into the said Dominion of Canada should have been approved of by Her Majesty and embodied in an Address to Her Majesty from both the Houses of the Parliament of Canada, in pursuance of the 146th Section of the British North America Act, 1867:

And it was by the same Act further enacted that it should be competent to Her Majesty, by Order or Orders in Council, on Addresses from the Houses of the Parliament of Canada, to declare that Rupert's Land should, from a date to be therein mentioned, be admitted into and become part of the Dominion of Canada:

And whereas a second Address from both the Houses of the Parliament of Canada has been received by Her Majesty praying that Her Majesty will be pleased, under the provisions of the herein-before recited Acts, to unite Rupert's Land on the terms and conditions expressed in certain resolutions therein referred to and approved of by Her Majesty, of which said resolutions and Address copies are contained in the schedule to this Order annexed, marked B, and also to unite the North-Western Territory

with the Dominion of Canada, as prayed for by and on the terms and conditions contained in the herein-before first recited Address, and also approved of by Her Majesty:

And whereas a draft surrender has been submitted to the Governor-General of Canada containing stipulations to the following effect, viz.:—

1. The sum of 300,000*l.* (being the sum herein-after mentioned) shall be paid by the Canadian Government into the Bank of England to the credit of the company within six calendar months after acceptance of the surrender aforesaid, with interest on the said sum at the rate of 5 per cent. per annum, computed from the date of such acceptance until the time of such payment.

2. The size of the blocks which the company are to select adjoining each of their ports [*sic*] in the Red River limits, shall be as follows:—

	Acres
Upper Fort Garry and town of Winnipeg, including the inclosed park around shop and ground at the entrance of the town - - -	500
Lower Fort Garry (including the farm the company now have under cultivation - - - - -	500
White Horse Plain - - - - -	500

3. The deduction to be made as herein-after mentioned from the price of the materials of the electric telegraph, in respect of deterioration thereof, is to be certified within three calendar months from such acceptance as aforesaid by the agents of the company in charge of the depôts where the materials are stored. And the said price is to be paid by the Canadian Government into the Bank of England to the credit of the company within six calendar months of such acceptance, with interest at the rate of 5 per cent. per annum on the amount of such price computed from the date of such acceptance until the time of payment.

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And whereas the said draft was on the fifth day of July, one thousand eight hundred and sixty-nine, approved by the said Governor-General in accordance with a report from the Committee of the Queen's Privy Council for Canada; but it was not expedient that the said stipulations, not being contained in the aforesaid second Address, should be included in the surrender by the said company to Her Majesty of their rights aforesaid or in this Order in Council:

And whereas the said company did by deed under the seals of the said company, and bearing date the nineteenth day of November, one thousand eight hundred and sixty-nine, of which deed a copy is contained in the Schedule to this Order annexed, marked C, surrender to Her Majesty all the rights of government, and other rights, privileges, liberties, franchises, powers, and authorities granted, or purported to be granted, to the said Company by the said Letters Patent therein and herein-before referred to, and also all similar rights which may have been exercised or assumed by the said company in any parts of British North America not forming part of Rupert's Land, or of Canada or of British Columbia, and all the lands and territories (except and subject as in the terms and conditions therein mentioned) granted, or purported to be granted, to the said company by the said Letters Patent:

And whereas such surrender has been duly accepted by Her Majesty, by an instrument under her Sign Manual and Signet, bearing date at Windsor the twenty-second day of June, one thousand eight hundred and seventy.

It is hereby ordered and declared by Her Majesty, by and with the advice of the Privy Council, in pursuance and exercise of the powers vested in Her Majesty by the said Acts of Parliament, and from and after the fifteenth day of July, one thousand eight hundred and seventy, the said North-Western Territory shall be admitted into and become part of the Dominion of Canada upon the terms and conditions set forth in the first herein-before recited

Address, and that the Parliament of Canada shall from the day aforesaid have full power and authority to legislate for the future welfare and good government of the said territory. And it is further ordered that, without prejudice to any obligations arising from the aforesaid approved report, Rupert's Land shall from and after the said date be admitted into and become part of the Dominion of Canada upon the following terms and conditions, being the terms and conditions still remaining to be performed of those embodied in the said second Address of the Parliament of Canada, and approved of by Her Majesty as aforesaid:—

1. Canada is to pay to the company 300,000*l.* when Rupert's Land is transferred to the Dominion of Canada.

2. The company are to retain the posts they actually occupy in the North-Western Territory, and may, within twelve months of the surrender, select a block of land adjoining each of its posts within any part of British North America not comprised in Canada and British Columbia, in conformity, except as regards the Red River Territory, with a list made out by the company and communicated to the Canadian Ministers, being the list in the schedule of the aforesaid deed of surrender. The actual survey is to be proceeded with, with all convenient speed.

3. The size of each block is not to exceed [10] acres round Upper Fort Garry, [300] acres round Lower Fort Garry; in the rest of the Red River Territory a number of acres to be settled at once between the Governor in Council and the company, but so that the aggregate extent of the blocks is not to exceed 50,000 acres.

4. So far as the configuration of the country admits, the blocks shall front the river or road, by which means of access are provided, and shall be approximately in the shape of parallelograms, of which the frontage shall not be more than half the depth.

5. The company may, for forty years after the surrender, claim in any township or district within the Fertile Belt, in which land is set out for settlement, grants of land not exceeding one-twentieth part of the land so set out. The blocks so granted to be determined by lot, and the company to pay a rateable share of the survey expenses, not exceeding 8 cents Canadian an acre. The company may defer the exercise of their right of claiming the proportion of each township for not more than ten years after it is set out; but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their attention [*sic*] to make it.

6. For the purpose of the last Article, the Fertile Belt is to be bounded as follows:—On the south by the United States' boundary; on the west by the Rocky Mountains; on the north by the northern branch of the Saskatchewan; on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

7. If any township shall be formed abutting on the north bank of the northern branch of the Saskatchewan River, the company may take their one-twentieth of any such township, which for the purpose of this Article shall not extend more than five miles inland from the river, giving to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

8. In laying out any public roads, canals, &c., through any block of land reserved to the company, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding one twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the company's servants access to any river or lake, or as a frontage to any river or lake, they shall pay to the company the fair value of the same, and

shall make compensation for any injury done to the company or their servants.

9. It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

10. All titles to land up to the eighth day of March, one thousand eight hundred and sixty-nine, conferred by the company are to be confirmed.

11. The company is to be at liberty to carry on its trade without hindrance in its corporate capacity, and no exceptional tax is to be placed on the company's land, trade, or servants, nor any import duty on goods introduced by them previous to the surrender.

12. Canada is to take over the materials of the electric telegraph at cost price—such price including transport, but not including interest for money, and subject to a deduction for ascertained deterioration.

13. The company's claim to land under agreements of Messrs. Vankoughnet and Hopkins is to be withdrawn.

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the company shall be relieved of all responsibility in respect of them.

15. The Governor in Council is authorised and empowered to arrange any details that may be necessary to carry out the above terms and conditions.

And the Right Honourable Earl Granville, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

Edmund Harrison.

SCHEDULES

SCHEDULE (A)

ADDRESS to HER MAJESTY the QUEEN from the Senate and House of Commons of the Dominion of Canada.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the Senate and Commons of the Dominion of Canada, in Parliament assembled, humbly approach your Majesty for the purpose of representing:—

That it would promote the prosperity of the Canadian people, and conduce to the advantage of the whole Empire, if the Dominion of Canada, constituted under the provisions of the British North America Act, of 1867, were extended westward to the shores of the Pacific Ocean.

That the colonisation of the fertile lands of the Saskatchewan, the Assiniboine, and the Red River districts; the development of the mineral wealth which abounds in the regions of the North-West; and the extension of commercial intercourse through the British possessions in America from the Atlantic to the Pacific are alike dependent upon the establishment of a stable Government for the maintenance of law and order in the North-Western Territories.

That the welfare of a sparse and widely-scattered population of British subjects of European origin already inhabiting these remote and unorganised territories, would be materially enhanced by the formation therein of political institutions bearing analogy, as far as circumstances will admit, to those which exist in the several provinces of this Dominion.

That the 146th section of the British North America Act of 1867 provides for the admission of Rupert's Land and the North-Western Territory, or either of them, into

union with Canada, upon the terms and conditions to be expressed in addresses from the Houses of Parliament of this Dominion to your Majesty, and which shall be approved of by your Majesty in Council.

That we do therefore most humbly pray that your Majesty will be graciously pleased, by and with the advice of your most Honourable Privy Council, to unite Rupert's Land and the North-Western Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government; and we most humbly beg to express to your Majesty that we are willing to assume the duties and obligations of government and legislation as regards those territories.

That in the event of your Majesty's Government agreeing to transfer to Canada the jurisdiction and control over the said region, the Government and Parliament of Canada will be ready to provide that the legal rights of any corporation, company, or individual within the same shall be respected and placed under the protection of courts of competent jurisdiction.

And furthermore, that, upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required for purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines.

All which we humbly pray your Majesty to take into your Majesty's most gracious and favourable consideration.

The Senate, Tuesday, December 17, 1867.

(signed) JOSEPH CAUCHON, *Speaker.*
House of Commons,

Monday, December 16, 1867.

(signed) JAMES COCKBURN, *Speaker.*

SCHEDULE (B)

I. *Resolutions*

May 28, 1869

Resolved,—That the Senate and Commons of the Dominion of Canada, during the first session of the first Parliament of Canada, adopted an address to Her Majesty, praying that Her Majesty would be graciously pleased, by and with the advice of Her Most Honourable Privy Council, under the provisions of 146th section of The British North America Act, 1867, and on the terms specified in that address to unite Rupert's Land and the North-West Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and assuring Her Majesty of the willingness of the Parliament of Canada to assume the duties and obligations of government and legislation as regards those territories.

Resolved,—That the joint address of the Senate and Commons of Canada was duly laid at the foot of the throne, and that Her Majesty, by despatch from the Right Honourable the Secretary of State for the Colonies, the Governor-General of Canada, under date of 23rd April, 1868, signified her willingness to comply with the prayer of the said address; but she was advised that the requisite powers of government and legislation could not, consistently with the existing charter of the Hudson's Bay Company, be transferred to Canada without an Act of Parliament, which Act was subsequently passed by the Imperial Parliament, and received Her Majesty's assent on the 31st July, 1868.

Resolved,—That by despatch, dated 8th August, 1868, from Honourable Secretary of State for the Colonies, the Governor-General was informed that, in pursuance of the powers conferred by the Act for the surrender of the Hudson Bay territories to Her Majesty, he proposed to enter into negotiations with the company as to the terms

of such surrender, whereupon, under authority of an order of the Governor-General in Council of the 1st October, 1868, the Honourable Sir George Et. Cartier, Baronet, and the Honourable William MacDougall, C.B., were appointed a delegation to England, to arrange the terms for the acquisition by Canada of Rupert's Land, and by another Order in Council of the same date were authorised to arrange for the admission of the North-West Territory into union with Canada, either with or without Rupert's Land, as it might be found practicable and expedient.

Resolved,—That the delegates proceeded on their mission to England, and entered into negotiations with his Grace the Duke of Buckingham and Chandos, then Secretary of State for the Colonies, and afterwards with the Right Honourable Earl Granville, his successor in office, for the acquisition by Canada of the territorial and other rights claimed by the Hudson's Bay Company in Rupert's Land, and in any other part of British North America not comprised in Rupert's Land, Canada, or British Columbia. That terms of agreement were conditionally assented to by the delegates on behalf of the Dominion, and on their return to Canada were submitted with a report dated 8th May, 1869, which was approved by his Excellency the Governor in Council on the 14th day of the same month.

Resolved,—That the Senate will be prepared to concur in accepting the transfer of the territorial and other rights of the Hudson's Bay Company in Rupert's Land, and in any other part of British North America not comprised in Rupert's Land, Canada, or British Columbia, on the terms conditionally agreed to on behalf of the Government of Canada, by the Honourable Sir George Et. Cartier, Baronet, and the Honourable William MacDougall, C.B., and on behalf of the Hudson's Bay Company by Sir Stafford H. Northcote, governor of that company, and approved by his Excellency in Council as aforesaid, which terms are set forth in a letter from Sir Frederic Rogers,

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Under-Secretary of State for the Colonies, of the 9th March, 1869, communicated to the delegates by direction of Earl Granville, and in two subsequent memorandums dated respectively 22nd and 29th March, 1869, containing a modification of such terms, and are in the words and figures following:—

' Terms, as stated in the Letter from Sir Frederic Rogers, of 9th March, 1869.

' 1. The Hudson's Bay Company to surrender to Her Majesty all the rights of government, property, &c., in Rupert's Land, which are specified in 31 & 32 Vict., cap. 105, sec. 4; and also all similar rights in any other part of British North America not comprised in Rupert's Land Canada, or British Columbia.

' 2. Canada is to pay to the company 300,000*l.* when Rupert's Land is transferred to the Dominion of Canada.

' 3. The company may, within twelve months of the surrender, select a block of land adjoining each of its stations, within the limits specified in Article 1.

' 4. The size of the blocks is not to exceed acres in the Red River Territory, and the aggregate extent of the blocks is not to exceed 50,000 acres.

' 5. So far as the configuration of the country admits, the blocks are to be in the shape of parallelograms, of which the length is not more than double the breadth.

' 6. The Hudson's Bay Company may, for fifty years after the surrender, claim in any township or district within the Fertile Belt in which land is set out for settlement, select grants of land not exceeding one-twentieth of the land so set out. The blocks so granted to be determined by lot, and the Hudson's Bay Company to pay a rateable share of the survey expenses, not exceeding an acre.

' 7. For the purpose of the present agreement, the Fertile Belt is to be bounded as follows:—On the south by the United States' boundary; on the west by the Rocky

Mountains; on the north by the northern branch of the Saskatchewan; on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

' 8. All titles to land up to the 8th March, 1869, conferred by the company, are to be confirmed.

' 9. The company is to be at liberty to carry on its trade without hindrance in its corporate capacity; and no exceptional tax is to be placed on the company's land, trade, or servants, nor any import duty on goods introduced by them previous to the surrender.

' 10. Canada is to take over the materials of the electric telegraph at cost price, such price including transport, but not including interest for money, and subject to a deduction for ascertained deteriorations.

' 11. The company's claim to land under agreement of Messrs. Vankoughnet and Hopkins to be withdrawn.

' 12. The details of this arrangement, including the filling up the blanks in Articles 4 and 6, to be settled at once by mutual agreement.'

MEMORANDUM

'Details of Agreement between the Delegates of the Government of the Dominion and the Directors of the Hudson's Bay Company.'

' 1. It is understood that, in surrendering to Her Majesty all the rights, &c., of the company in any part of British North America not comprised in Rupert's Land, Canada, or British Columbia, the company are to retain the posts they actually occupy in the North-West Territory.

' 2. It is understood that it will be a sufficient act of selection under Article III., that the company should, within twelve months, name the number of acres which they will require adjoining each post. The actual survey to be proceeded with, with all convenient speed.

' 3. It is understood that in the Red River Settlement

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the size of the blocks to be retained round Upper Fort Garry shall not exceed (10) acres; and that round Lower Fort Garry shall not exceed (300) acres.

' 4. It is understood that a list of the stations round which the company will require blocks of land, with the size of the blocks they will require, shall be made out forthwith, and communicated to the Canadian Ministers.

' 5. It is understood that Article V. shall be construed to mean that the blocks shall front the river or road by which means of access are provided, and shall be approximately in the form of parallelograms, of which the frontage shall not be more than half the depth.

' 6. It is understood that the company may defer the exercise of their right of claiming their proportion of each township for not more than ten years after it is set out; but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

' 7. It is understood that the blank in Article 6 shall be filled up with 8 cents (Canadian).

' 8. It is understood that any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government, in communication with the Imperial Government, and that the company shall be relieved of all responsibility in respect of them.

(signed) ' STAFFORD H. NORTHCOTE.

' G. E. CARTIER.

' W. McDUGAL[L].

' *March 22, 1869.*'

'Memorandum of a further Agreement between Sir Geo. Et. Cartier and Sir Stafford Northcote.

' Inasmuch as the northern branch of the Saskatchewan River is the northern boundary of the Fertile Belt, and therefore any land on the northern bank is not within the territory of which the company are to have one-twentieth

part, it is understood that, in forming the townships abutting on the northern bank, the company shall be at liberty to take their one-twentieth of any such townships, giving up to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

‘ It is understood that the townships on the northern bank shall not for the above purpose extend more than five miles inland from the river.

‘ It is understood that, in laying out any public roads, canals, &c., through any block of land reserved to the company, the Canadian Government may take, without compensation, such land as is necessary for the purpose, not exceeding one twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the company’s servants access to any river or lake, or as a frontage to any river or lake, they shall pay the company the fair value of the same, and shall make compensation for any injury done to the company or their servants.

‘ It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

(signed) ‘ GEO. ET. CARTIER.

‘ STAFFORD NORTHCOTE.

‘ LONDON, *March* 29, 1869.’

Resolved,—That this House learns with satisfaction, by letter from the Under-Secretary of State for the Colonies, of 9th March last, that, in fulfilment of the expectations held out in Mr. Cardwell’s despatch of 17th June, 1865, Her Majesty’s Government will be prepared to propose to Parliament that the Imperial guarantee be given to a loan of 300,000*l.*, the amount which is proposed to be paid over by Canada on the transfer of the company’s rights.

Resolved,—That the Senate will be ready to concur with the House of Commons in an Address to Her Majesty, that she will be graciously pleased, by and with the advice of Her Most Honourable Privy Council, under the 146th clause of The British North America Act, 1867, and the provisions of the Imperial Act, 31 & 32 Vict., cap. 105, to unite Rupert's Land on the terms and conditions expressed in the foregoing resolutions, and also to unite the North-Western Territory with the Dominion of Canada, as prayed for by, and on the terms and conditions contained in, the joint Address of the Senate and the House of Commons of Canada, adopted during the first session of the first Parliament of Canada, and hereinbefore referred to.

Resolved,—That upon the transference of the territories in question to the Canadian Government, it will be the duty of the Government to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer.

Resolved,—That the Governor in Council be authorised and empowered to arrange any details that may be necessary to carry out the terms and conditions of the above agreement.

2. *Address*

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects the Senate and Commons of the Dominion of Canada in Parliament assembled, humbly approach your Majesty for the purpose of representing:—

That, during the first session of the first Parliament of this dominion, we adopted an Address to your Majesty, praying that your Majesty would be graciously pleased, by and with the advice of your Majesty's Most Honourable Privy Council under the provisions of the 146th section of The British North America Act, 1867, and

on the terms specified in that Address, to unite Rupert's Land and the North-West Territory with this Dominion, and to grant to the Parliament of Canada authority to legislate for their future welfare and good government, and assuring your Majesty of the willingness of the Parliament of Canada to assume the duties and obligations of government and legislation as regards those territories.

That our joint Address was duly laid at the foot of the Throne, and that your Majesty, by despatch from the Right Honourable the Secretary of State for the Colonies to the Governor-General of Canada, under date of the 23rd April, 1868, signified your Majesty's willingness to comply with the prayer of the said Address, but that your Majesty was advised that the requisite powers of government and legislation could not consistently with the existing charter of the Hudson's Bay Company be transferred to Canada without an Act of Parliament, which Act was subsequently passed by the Imperial Parliament, and received your Majesty's assent on the 31st July, 1868.

That by a despatch dated 8th August, 1868, from the Honourable the Secretary of State for the Colonies, the Governor-General was informed that, in pursuance of the powers conferred by the Act for the surrender of the Hudson's Bay territories to your Majesty, he proposed to enter into negotiations with the company as to the terms of such surrender, whereupon, under authority of an Order of the Governor-General in Council of the 1st October, 1868, the Honourable Sir George Et. Cartier, Baronet, and the Honourable William MacDougall, C.B., were appointed a delegation to England to arrange the terms for the acquisition by Canada of Rupert's Land, and by another Order in Council of the same date, were authorised to arrange for the admission of the North-West Territory into union with Canada either with or without Rupert's Land, as might be found practicable and expedient.

That the delegates proceeded on their mission to England, and entered into negotiations with his Grace the

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Duke of Buckingham and Chandos, then Secretary of State for the Colonies, and afterwards with the Right Honourable Earl Granville, his successor in office, for the acquisition by Canada of the territorial and other rights claimed by the Hudson's Bay Company in Rupert's Land, and in any other part of British North America not comprised in Rupert's Land, Canada, or British Columbia; that terms of agreement were conditionally assented to by the delegates on behalf of the Dominion, and on their return to Canada were submitted with a report, dated 8th May, 1869, which was approved by his Excellency the Governor-General in Council on the 14th day of the same month.

That we humbly deem it expedient to accept the transfer of the territorial and other rights of the Hudson's Bay Company in Rupert's Land and in any other part of British North America not comprised in Rupert's Land, Canada, or British Columbia, on the terms conditionally agreed to on behalf of the Government of Canada by the Honourable Sir George Et. Cartier, Baronet, and the Honourable William MacDougall, C.B., and on behalf of the Hudson's Bay Company by Sir Stafford H. Northcote, governor of that company, and approved by his Excellency in Council as aforesaid, which terms are set forth in a letter from Sir Frederic Rogers, Under-Secretary of State for the Colonies, of the 9th March, 1869, communicated to the delegates by direction of Earl Granville, and in two subsequent memorandums dated respectively 22nd and 29th March, 1869, containing a modification of such terms, and are in the words and figures following:—

' Terms as stated in the Letter from Sir Frederic Rogers of the 9th March, 1869.

' 1. The Hudson's Bay Company to surrender to Her Majesty all the rights of government, property, &c., in Rupert's Land, which are specified in 31 and 32 Vict.,

c. 105, sec. 4, and also all similar rights in any other part of British North America not comprised in Rupert's Land, Canada, or British Columbia.

' 2. Canada is to pay to the company 300,000/. when Rupert's Land is transferred to the Dominion of Canada.

' 3. The company may, within twelve months of the surrender, select a block of land adjoining each of its stations within the limits specified in Article 1.

' 4. The size of the blocks is not to exceed acres in the Red River territory, nor 3,000 acres beyond that territory, and the aggregate extent of the blocks is not to extend [*sic*] 50,000 acres.

' 5. So far as the configuration of the country admits, the blocks are to be in the shape of parallelograms, of which the length is not more than double the breadth.

' 6. The Hudson's Bay Company may for fifty years after the surrender claim in any township or district within the Fertile Belt in which land is set out for settlement, grants of land not exceeding one-twentieth part of the land so set out. The blocks so granted to be determined by lot, and the Hudson's Bay Company to pay a rateable share of the survey expenses not exceeding [blank space left in original] an acre.

' 7. For the purpose of the present agreement, the Fertile Belt is to be bounded as follows; on the south by the United States' boundary, on the west by the Rocky Mountains, on the north by the northern branch of the Saskatchewan, on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

' 8. All titles to land up to the 8th March, 1869, conferred by the company, are to be confirmed.

' 9. The company is to be at liberty to carry on its trade without hindrance in its corporate capacity, and no exceptional tax is to be placed on the company's land, trade, or servants, nor any import duty on goods introduced by them previous to the surrender.

' 10. Canada is to take over the materials of the electric telegraph at cost price, such price including transport, but

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not including interest for money, and subject to a deduction for ascertained deteriorations.

' 11. The company's claim to land under agreement of Messrs. Vankoughnet and Hopkins to be withdrawn.

' 12. The details of this arrangement, including the filling up the blanks in Articles 4 and 6, to be settled at once by mutual agreement.'

' MEMORANDUM

'Details of Agreement between the Delegates of the Government of the Dominion and the Directors of the Hudson's Bay Company.

' 1. It is understood that in surrendering to Her Majesty all the rights, &c., of the company in any part of British North America not comprised in Rupert's Land, Canada, or British Columbia, the company are to retain the posts they actually occupy in the North-West Territory.

' 2. It is understood that it will be a sufficient act of selection under Article III that the company should within twelve months name the number of acres which they will require adjoining each post. The actual survey to be proceeded with, with all convenient speed.

' 3. It is understood that in the Red River Settlement the size of the blocks to be retained round Upper Fort Garry shall not exceed (ten) acres, and that round Lower Fort Garry shall not exceed (three hundred) acres.

' 4. It is understood that a list of the stations round which the company will require blocks of land, with the size of the blocks they will require, shall be made out forthwith, and communicated to the Canadian Ministers.

' 5. It is understood that Article V. shall be construed to mean that the blocks shall front the river or road, by which means of access are provided, and shall be approximately in the form of parallelograms, of which the frontage shall not be more than half the depth.

' 6. It is understood that the company may defer the exercise of their right of claiming their proportion of each township for not more than ten years after it is set out, but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

' 7. It is understood that the blank in Article VI shall be filled up with 8 cents (Canadian).

' 8. It is understood that any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government, and that the company shall be relieved of all responsibility in respect of them.

(signed) ' STAFFORD H. NORTHCOTE.

' G. E. CARTIER.

' W. McDougall.

' March 22, 1869.'

'Memorandum of a further Agreement between Sir Geo. Et. Cartier and Sir Stafford Northcote.

' Inasmuch as the northern branch of Saskatchewan River is the northern boundary of the Fertile Belt, and, therefore, any land on the northern bank is not within the territory of which the company are to have one-twentieth part, it is understood that, in forming the townships abutting on the northern bank, the company shall be at liberty to take their one-twentieth of any such townships, giving up to the Canadian Dominion an equal quantity of the portion of lands coming to them of townships established on the southern bank.

' It is understood that the townships on the northern bank shall not for the above purpose extend more than five miles inland from the river.

' It is understood that, in laying out any public roads, canals, &c., through any block of land reserved to the company, the Canadian Government may take without

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compensation such land as is necessary for the purpose not exceeding one twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the company's servants access to any river or lake, or as a frontage to any river or lake, they shall pay the company the fair value of the same, and shall make compensation for any injury done to the company or their servants.

'It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

(signed) 'GEO. ET. CARTIER.

'STAFFORD H. NORTHCOTE.

'LONDON, *March 29, 1869.*'

That we learn with satisfaction by letter from the Under-Secretary of State for the Colonies of the 9th March last, that in fulfilment of the expectations held out in Mr. Cardwell's despatch of the 17th of June, 1865, your Majesty's Government will be prepared to propose to Parliament that the Imperial guarantee be given to a loan of 300,000*l.*, the amount which is proposed to be paid over by Canada on the transfer of the Company's rights.

That upon the transference of the territories in question to the Canadian Government it will be our duty to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer, and we authorise and empower the Governor in Council to arrange any details that may be necessary to carry out the terms and conditions of the above agreement.

We therefore most humbly pray that your Majesty will be graciously pleased, by and with the advice of your Most Honourable Privy Council under the 146th clause of The British North America Act, 1867, and the provisions of the Imperial Act 31 and 32 Vict., cap. 105., to

unite Rupert's Land on the terms and conditions expressed in the foregoing resolutions, and also to unite the North-Western Territory with the Dominion of Canada as prayed for by and on the terms and conditions contained in our joint address adopted during the first session of the first Parliament of this Dominion, and herein-before referred to.

The Senate, Monday, May 31, 1869.

(signed) JOSEPH CAUCHON, *Speaker*.

House of Commons, Ottawa, May 29, 1869.

(signed) JAMES COCKBURN, *Speaker*.

SCHEDULE (C)

The Governor and Company of Adventurers of England Trading into Hudson's Bay to HER MAJESTY QUEEN VICTORIA.

DEED OF SURRENDER

To all to whom these presents shall come unto, or concern, the Governor and Company of Adventurers of England, trading into Hudson's Bay, send greeting.

WHEREAS the said governor and company were established and incorporated by their said name of 'The Governor and Company of Adventurers of England trading into Hudson's Bay,' by Letters Patent granted by His late Majesty King Charles the Second in the twenty-second year of his reign, whereby His said Majesty granted unto the said company and their successors the sole trade and commerce of all those seas, straits, bays, rivers, lakes, creeks, and sounds in whatsoever latitude they should be, that lay within the entrance of the straits commonly called Hudson's Straits, together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds aforesaid, that were not already actually possessed by, or granted to, any of His Majesty's subjects, or possessed by

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the subjects of any other Christian Prince or State, and that the said land should be from thenceforth reckoned and reputed as one of His Majesty's plantations or colonies in America called Rupert's Land, and whereby His said Majesty, made and constituted the said governor and company and their successors the absolute lords and proprietors of the same territory, limits, and places aforesaid, and of all other the premises saving the faith, allegiance, and sovereign dominion due to His said Majesty, His heirs and successors, for the same, and granted to the said governor and company and their successors, such rights of government and other rights, privileges, and liberties, franchises, powers, and authorities in Rupert's Land as therein expressed. And whereas ever since the date of the said Letters Patent, the said governor and company have exercised and enjoyed the sole right thereby granted of such trade and commerce as therein mentioned, and have exercised and enjoyed other rights, privileges, liberties, franchises, powers, and authorities, thereby granted, and the said governor and company may have exercised or assumed rights of government in other parts of British North America not forming part of Rupert's Land, or of Canada, or of British Columbia. And whereas by the British North America Act, 1867, it is (amongst other things) enacted that it shall be lawful for Her present Majesty Queen Victoria, by and with the advice and consent of Her Majesty's Most Honourable Privy Council, on Address from the Houses of Parliament of Canada, to admit Rupert's Land and the North-Western Territory, or either of them into the Union of the Dominion of Canada on such terms and conditions as are in the Address expressed, and as Her Majesty thinks fit to approve, subject to the provisions of the said Act. And whereas by the Rupert's Land Act 1868, it is enacted (amongst other things) that for the purposes of that Act the term 'Rupert's Land' shall include the whole of the lands and territories held or claimed to be held by the said governor and company,

and that it shall be competent for the said governor and company to surrender to Her Majesty, and for Her Majesty, by any instrument under Her Sign-Manual and Signet, to accept a surrender of all or any of the lands, territories, rights, privileges, liberties, franchises, powers, and authorities whatsoever granted or purported to be granted by the said Letters Patent to the said governor and company within Rupert's Land, upon such terms and conditions as shall be agreed upon by and between Her Majesty and the said governor and company: provided, however, that such surrender shall not be accepted by Her Majesty until the terms and conditions upon which Rupert's Land shall be admitted into the said Dominion of Canada shall have been approved of by Her Majesty and embodied in an Address to Her Majesty from the Houses of the Parliament of Canada in pursuance of the 146th section of the British North America Act, 1867, and that upon the acceptance by Her Majesty of such surrender, all rights of Government and proprietary rights, and all other privileges, liberties, franchises, powers, and authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said governor and company within Rupert's Land, and which shall have been so surrendered, shall be absolutely extinguished, provided that nothing in the said Act contained shall prevent the said governor and company from continuing to carry on in Rupert's Land or elsewhere trade and commerce. And whereas Her said Majesty Queen Victoria and the said governor and company have agreed to terms and conditions upon which the said governor and company shall surrender to Her said Majesty, pursuant to the provisions in that behalf in the Rupert's Land Act, 1868, contained, all the rights of government and other rights, privileges, liberties, franchise, powers, and authorities, and all the lands and territories (except and subject as in the said terms and conditions expressed or mentioned, granted or purported to be granted by the said Letters Patent, and also all similar rights which have been

exercised or assumed by the said governor and company in any parts of British North America not forming part of Rupert's Land, or of Canada, or of British Columbia, in order and to the intent that, after such surrender has been effected and accepted under the provisions of the last-mentioned Act, the said Rupert's Land may be admitted into the Union of the Dominion of Canada, pursuant to the herein-before mentioned Acts or one of them. And whereas the said terms and conditions on which it has been agreed that the said surrender is to be made by the said governor and company (who are in the following Articles designated as the company) to Her said Majesty are as follows (that is to say):—

1. The Canadian Government shall pay to the company the sum of 300,000*l.* sterling when Rupert's Land is transferred to the Dominion of Canada.

2. The company to retain all the posts or stations now actually possessed and occupied by them or their officers or agents (whether in Rupert's Land or any other part of British North America), and may within twelve months after the acceptance of the said surrender select a block of land adjoining each of their posts or stations within any part of British North America not comprised in Canada and British Columbia in conformity, except as regards the Red River Territory, with a list made out by the company and communicated to the Canadian Ministers, being the list in the annexed schedule. The actual survey is to be proceeded with, with all convenient speed.

3. The size of each block is not to exceed in the Red River Territory an amount to be agreed upon between the company and the Governor of Canada in Council.

4. So far as the configuration of the country admits, the blocks shall front the river or road by which means of access are provided, and shall be approximately in the shape of parallelograms, and of which the frontage shall not be more than half the depth.

5. The company may, at any time within 50 years after such acceptance of the said surrender, claim in any

township or district within the fertile belt in which land is set out for settlements, grants of land not exceeding one-twentieth part of the land so set out; the blocks so granted to be determined by lot, and the company to pay a rateable share of the survey expenses, not exceeding 8 cents Canadian an acre. The company may defer the exercise of their right of claiming their proportion of each township or district for not more than 10 years after it is set out, but their claim must be limited to an allotment from the lands remaining unsold at the time they declare their intention to make it.

6. For the purpose of the last Article the Fertile Belt is to be bounded as follows:—On the south by the United States' boundary; on the west by the Rocky Mountains; on the north by the Northern Branch of the Saskatchewan River; on the east by Lake Winnipeg, the Lake of the Woods, and the waters connecting them.

7. If any township shall be formed abutting on the north bank of the northern branch of the Saskatchewan River, the company may take their one-twentieth of any such township, which, for the purpose of this Article, shall not extend more than five miles inland from the river, giving to the Canadian Dominion an equal quantity of the portion of land coming to them of townships established on the southern bank of the said river.

8. In laying out any public roads, canals, or other public works, through any block of land reserved to the company, the Canadian Government may take without compensation such land as is necessary for the purpose, not exceeding one twenty-fifth of the total acreage of the block; but if the Canadian Government require any land which is actually under cultivation, or which has been built upon, or which is necessary for giving the company's servants access to any river or lake, or as a frontage to any river or lake, the said Government shall pay to the company the fair value of the same, and shall make compensation for any injury done to the company or their servants.

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9. It is understood that the whole of the land to be appropriated within the meaning of the last preceding clause shall be appropriated for public purposes.

10. All titles to land up to the eighth day of March, one thousand eight hundred and sixty-nine, conferred by the company, are to be confirmed.

11. The company is to be at liberty to carry on its trade without hindrance in its corporate capacity, and no exceptional tax is to be placed on the company's land, trade or servants, nor any import duty on goods introduced by the said company previously to such acceptance of the said surrender.

12. Canada is to take over the materials of the electric telegraph at cost price; such price including transport, but not including interest for money, and subject to a deduction of ascertained deterioration.

13. The Company's claim to land under an agreement of Messrs. Vankoughnet and Hopkins is to be withdrawn.

14. Any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government; and the company shall be relieved of all responsibility in respect of them.

And whereas the surrender herein-after contained is intended to be made in pursuance of the agreement, and upon the terms and conditions herein-before stated.

Now know ye, and these presents witness, that, in pursuance of the powers and provisions of the Rupert's Land Act, 1868, and on the terms and conditions aforesaid, and also on condition of this surrender being accepted pursuant to the provisions of that Act, the said governor and company do hereby surrender to the Queen's Most Gracious Majesty, all the rights of government, and other rights, privileges, liberties, franchises, powers, and authorities, granted or purported to be granted to the said governor and company by the said recited Letters Patent of His late Majesty King Charles the Second; and also all similar rights which may have been exercised or

assumed by the said governor and company in any parts of British North America, not forming part of Rupert's Land or of Canada, or of British Columbia, and all the lands and territories within Rupert's Land (except and subject as in the said terms and conditions mentioned) granted or purported to be granted to the said governor and company by the said Letters Patent. In witness whereof, the governor and Company of Adventurers of England trading into Hudson's Bay, have hereunto caused their common seal to be affixed, the nineteenth day of November, one thousand eight hundred and sixty nine.

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HUDSON'S BAY COMPANY

THE SCHEDULE ABOVE REFERRED TO

Northern Department, Rupert's Land

District	Post	Acres of Land
English River -	Isle à la Crosse - -	50
	Rapid River - -	5
	Portage la Loche - -	20 say 10 acres each end of portage
	Green Lake - -	100
	Cold Lake - -	10
	Deer's Lake - -	5
		190 acres in English River
Saskatchewan -	Edmonton House -	3,000
	Rocky Mountain House	500
	Fort Victoria - -	3,000
	St. Paul - - -	3,000
	Fort Pitt - - -	3,000
	Battle River - -	3,000
	Carlton House - -	3,000
	Fort Albert - - -	3,000
	Whitefish Lake - -	500
	Lac la Biche - - -	1,000
	Fort Assiniboine - -	50
	Lesser Slave Lake - -	500
	Lac St. Anne - - -	500
	Lac la Nun - - -	500
	St. Albert - - -	1,000
	Pigeon Lake - - -	100
	Old White Mud Fort	50
		25,700 acres in Saskatch- ewan District

ORDERS IN COUNCIL

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District	Post	Acres of Land
Cumberland -	Cumberland House -	100
	Fort la Corne - -	3,000
	Pelican Lake - -	50
	Moose Woods - -	1,000
	The Pas - - -	25
	Moose Lake - -	50
	Grande Rapid Portage	100 50 acres at each end of portage
		4,325 acres in Cumberland District
Swan River -	Fort Pelly - -	3,000
	Fort Ellice - -	3,000
	Q'Appelle Lakes -	2,500
	Touchwood Hills -	500
	Shoal River - -	50
	Manitobah - -	50
	Fairford - - -	100
		9,200 acres in Swan River District
Red River -	Upper Fort Garry, and Town of Winnipeg - - -	{ Such number of acres as may be agreed upon between the company and the Governor of Canada in Council
	Lower Fort Garry (including the farm the Company now have under cultivation)	
Manitobah Lake-Portage la Prairie	White Horse Plain -	
	Oak Point - -	50
	- - - -	1,000
		1,050

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HUDSON'S BAY COMPANY

District	Post	Acres of Land
Lac la Peine [Pluie] - -	Fort Alexander - -	500
	Fort Frances - -	500
	Eagle's Nest - -	20
	Big Island - -	20
	Lac du Bonnet - -	20
	Rat Portage - -	50
	Shoal Lake - -	20
	Lake of the Woods - -	50
	Whitefish Lake - -	20
	English River - -	20
	Hungry Hall - -	20
	Trout Lake - -	20
	Clear Water Lake - -	20
	Sandy Point - -	20
		1,300 ac- res in Lac la Peine [Pluie] District
York - -	York Factory - -	100
	Churchill - -	10
	Severn - -	10
	Trout Lake - -	10
	Oxford - -	100
	Jackson's Bay - -	10
	God's Lake - -	10
	Island Lake - -	10
		260
Norway House -	Norway House - -	100
	Beren's River - -	25
	Grand Rapid - -	10
	Nelson's River - -	10
		145
Total in Northern Department -		42,170
Southern Department, Rupert's Land		
Albany - -	Albany Factory - -	100
	Martin's Falls - -	10
	Osnaburg - -	25
	Lac Seul - -	500
202		635

ORDERS IN COUNCIL

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District	Post	Acres of Land
East Main -	Little Whale River -	50
	Great Whale River -	50
	Fort George -	25
		125
Moose -	Moose Factory -	100
	Hannah Bay -	10
	Abitibi -	10
	New Brunswick -	25
		145
Rupert's River -	Rupert's House -	50
	Missassing -	10
	Temiskamay -	10
	Woswonaby -	10
	Meehiskun -	10
	Pike Lake -	10
	Nitchequon -	10
	Kamapiscan -	10
		120
Kinogumissee -	Matawaganinque -	50
	Kuckatoosh -	10
		60
Total in Southern Department -		1,085 acres

Montreal Department, Rupert's Land

Superior -	Long Lake -	10
Temiscaminque -	Kakababeagino -	10
		20
Labrador -	Fort Nascopie -	75
	Outposts, ditto -	25
	Fort Chimo (Ungava)	100
	South River, outposts -	30
	George's River -	50
	Whale River -	50
	North's River -	25
	False River -	25
		380
Total in Montreal Department -		400 acres

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Northern Department, North-West Territory

District	Acres of Land	Post
Athabasca - -	Fort Chippewyan - -	10
	Fort Vermilion - -	500
	Fort Dunvegan - -	50
	Fort St. John's - -	20
	Forks of Athabasca River	10
	Battle River - -	5
	Fond du Lac - -	5
	Salt River - -	5
		605 acres in Atha- basca District
McKenzie River	Fort Simpson - -	100
	Fort Liard - -	300
	Fort Nelson - -	200
	The Rapids - -	100
	Hay River - -	20
	Fort Resolution - -	20
	Fort Rae - -	10
	Fond du Lac - -	10
	Fort Norman - -	10
	Fort Good Hope - -	10
	Peel's River - -	10
	Lapierre's House - -	10
	Fort Halkett - -	100
		900 acres in Mc- Kenzie River District
Total in North-West Territory -		1,505 acres

RECAPITULATION

Northern Department, Rupert's Land	-	42,170
Southern ditto ditto	-	1,085
Montreal ditto ditto	-	400
Northern Department, North-West Territory	-	1,505

ORDERS IN COUNCIL
DOMINION

ORDER IN COUNCIL. 28th November, 1872.

A.D.
1872

1. That in allotting to the Company their one-twentieth of the lands in the four-mile strip, should such allotment fall on lands sold or occupied since the Deed of Surrender, the Company shall have the right to select unoccupied lots in the said strip to an equal extent in lieu thereof and

2. That as regards the lands vested in the Company, the title in the same having passed from the Government, the Company becomes the owner of such lands, and has the power to dispose of them as may be thought best to serve the interests of the proprietors, and no action therefore in connection therewith is required from the Government.

ORDER IN COUNCIL, relating to reconveyance of selected lands of The Hudson's Bay Company within the Fertile Belt. P.C. 1169—6th December, 1872.

A.D.
1872

“ . . . The Hon. the Secretary of State in a Report dated 4th December, 1872, states that he sees no objection to the Hudson's Bay Company reconveying to the Government any lands which may fall to them under the operation of the Dominion Lands Act, provided that such reconveyance is made without any equivalent therefor and within Twelve months from the time when the title to such lands may have become vested in the Company, and he therefore recommends that the Order in Council of the 28th ultimo be amended accordingly.

The Committee submit the above recommendation to Your Excellency's approval.”

ORDER IN COUNCIL. 14th February, 1924.

A.D.
1924

AT the Government House at Ottawa, Thursday,
the 14th day of February, 1924.

PRESENT:

HIS EXCELLENCY THE GOVERNOR GENERAL IN
COUNCIL

WHEREAS by Order in Council of the 6th December, 1872, it was provided that the Hudson's Bay Company might re-convey to the Government any lands falling to them under the operation of the Dominion Lands Act, provided that such reconveyance is made without any equivalent therefor, and within twelve months from the time when the title to such lands may have become vested in the Company;

And whereas the Minister of the Interior reports that the Company have now made request for the extension, for a further period, of their rights under the Order in Council above recited, to enable them to reconvey to the Crown, in the right of Canada, any lands now in the possession of the Company;

Therefore His Excellency the Governor General in Council, on the recommendation of the Minister of the Interior and under and by virtue of the provisions of paragraph (k) of Section 76 of the Dominion Lands Act, 7-8 Edward VII, chapter 20, is pleased to make the following regulations and the same are hereby made and established accordingly:

(1) The Minister of the Interior may in his discretion accept, or refuse to accept, from the Hudson's Bay Company, a reconveyance to the Crown, in the right of the Dominion of Canada, of any parcel or parcels of land now in the possession of the said Company and not required by them.

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(2) All reconveyances, under the authority of these regulations, shall be made without any equivalent or compensation to the Company, and shall be subject to the following conditions:

(a) The lands so reconveyed shall be vested in the Crown in the right of the Dominion of Canada free of all encumbrances whatsoever.

(b) All Provincial or Municipal assessments in respect to any such lands shall be paid by the Company prior to the date of such reconveyance.

(c) This arrangement shall be regarded as one altogether apart from the general question of the Company's land account, and as having no bearing upon any matters which may be at the present time the subject of negotiation between the Company and the Crown.

E. J. LEMAIRE,
Clerk of the Privy Council.

MISCELLANEOUS

MINUTE of Resolution of The Hudson's Bay
Company, dated 7th January, 1873, approving
proposal set forth in Order in Council, P.C.
1169 of the 6th December, 1872.

A.D.
1873

RESOLVED that the said Dominion Land Act and this
Order in Council be taken and substituted for the pro-
visions contained in the Deed of Surrender of Rupert's
Land in all matters relating to the Company's one
twentieth of the lands within the Fertile Belt.

This Agreement shall not however be considered as
waiving to any extent whatever the right of the Company
to their proportion of any and all lands which may have
been or may hereafter be reserved by the Government for
Indians.

Sgd. E. COLVILLE, Deputy Governor.

ROYAL LICENSE dated 5th December, 1821, to the Governor and Company of Adventurers of England Trading into Hudson's Bay and to William McGillivray, Simon McGillivray and Edward Ellice " for the exclusive privilege of Trading with the Indians in all such parts of North America to the Northward and to the Westward of the Lands and Territories belonging to the United States of America as shall not form part of any of Our Provinces in North America or of any Lands or Territories belonging to the said United States of America or to any European Government State or Power " does also " give grant and secure to the said Governor and Company and William McGillivray Simon McGillivray and Edward Ellice jointly the sole and exclusive privilege for the full period of twenty one Years from the date of this Our Grant of Trading with the Indians in all such parts of North America as aforesaid (except as thereafter excepted) " and does thereby " declare that no Rent shall be required or demanded for or in respect of this Our Grant and Licence."

A.D.
1821

ROYAL LICENSE dated 30th May, 1838, to the Governor and Company of Adventurers of England Trading into Hudson's Bay and their successors, for the exclusive privilege, on the surrender of the Royal License dated the 5th December, 1821, "of trading with the Indians in all such parts of North America to the Northward and to the Westward of the Lands and Territories belonging to the United States of America, as shall not form part of any of our Provinces in North America or of any Lands or Territories belonging to the said United States of America or to any European Government, State or Power but subject never the less as hereinafter mentioned " does also "give grant and secure to the said Governor and Company and their Successors the sole and exclusive privilege for the full period of twenty one years from the date of this our Grant of trading with the Indians in all such parts of North America as aforesaid (except as hereinafter mentioned)." But does also "declare that nothing in this our Grant contained shall be deemed or construed to authorise the said Governor and Company or their Successors or any Persons in their employ to claim or exercise any trade with the Indians on the North West Coast of America to the Westward of the Stoney Mountains to the prejudice or exclusion of any of the subjects of any Foreign States who under or by force of any convention for the time being between us and such Foreign States respectively may be entitled to and shall be engaged in the said Trade."

A.D.
1838

ROYAL GRANT dated 13th January, 1849, to "the Governor and Company of Adventurers of England trading into Hudson's Bay, and their successors, [*of*] all the island called Vancouver's Island, together with all royalties of the seas upon the coasts within the limits aforesaid, and all mines royal thereto belonging: . . . [*as*] the true and absolute lords and proprietors of the same territories, limits, and places, and of all other the premises, . . . to have, hold, possess, and enjoy the said territory, limits and places, and all and singular other the premises hereby granted as aforesaid, with their and every of their rights, members, royalties, and appurtenances whatsoever to them, the said Governor and Company, and their successors for ever, to be holden of Us, Our heirs and successors, in free and common soccage.

A.D.
1849

A.D.
1867

AN INDENTURE dated the 3rd April 1867 between The Governor and Company of Adventurers of England Trading into Hudson's Bay and Her Most Gracious Majesty Queen Victoria granting, conveying, yielding up and surrendering Vancouver Island to Her Majesty "together with the Royalties of the Seas upon the Coasts thereof AND ALL Mines Royal and all rights members and appurtenances whatsoever to the said Island and hereditaments belonging and which were conveyed or passed to and are now vested in the said Company under or by virtue of the . . . Letters Patent of the thirteenth day of January, One thousand eight hundred and forty nine or otherwise howsoever AND ALSO the said Letters Patent of the thirteenth day of January One thousand eight hundred and forty nine AND ALL the estate right title interest and property whatsoever of the said Company in to and out of the same premises.

EXCEPT AND ALWAYS RESERVED out of the grant and surrender hereby made, as follows, that is to say,

I. CERTAIN pieces or parcels of land in the Town of Victoria containing in the whole Twenty two acres and forty one hundredth-parts of an acre and known as the Church Reserve which lands have lately been conveyed by the said Company to Trustees for certain Ecclesiastical and Scholastic purposes And also all land situate in the Victoria District which may have been sold by the said Company previous to the first day of January One thousand eight hundred and sixty two together with the Water frontages and spaces between high and low water mark abutting on any portions of such Lands provided such water frontages and spaces were also sold by the said Company before the said first day of January One thousand eight hundred and sixty two but not otherwise.

HUDSON'S BAY COMPANY

II. THE Farm known as the Uplands Farm containing about One thousand one hundred and forty four acres and being Section Thirty one on the Colonial Official Plan of the said Victoria District.

III. THE Farm known as the North Dairy Farm containing about Four hundred and sixty acres being Section Thirty two on the said Official Plan.

IV. THE Old Spring and adjoining land (except one Well set apart and appropriated to Public use) and marked 68. 69. 70. 71. 72. $\frac{73}{8078}$ in Section Eighteen of the Plan of the Town of Victoria heretofore delivered to the Colonial Government by the said Company

V. ALL that portion of Land in the said Victoria District heretofore known as the Fort Property including the site of the Fort and the adjoining land yet unsold with the Water frontage and foreshore immediately in front of the Fort, but not including the several lots marked respectively H. Harbour Master's Lot No. 15. Block 70. situated at the foot of Broughton Street, V Police Barracks and numbers 1603, 1605 and 1607. Post Office, colored Green on the said last mentioned Plan on which lots the Harbour Master's Office the Police Barracks and the Post Office are respectively situated and which lots are hereby (among other things) granted and conveyed to Her said Majesty and her Successors.

VI. EIGHT lots or parcels of land numbered on the said last mentioned Plan III. IV. V. VIII. X. XIV. XVII. and XX. containing in the whole Fifty acres more or less recently selected by the said Company out of a certain Farm lying to the South and West of James' Bay and heretofore known as "Beckley" or "Dutwells" Farm.

ALL WHICH said excepted lands (save the lands comprised under the said first head of exceptions) are and are to remain the absolute property of the said Company and their Successors freed and discharged from any rent trusts

INDENTURE

A.D.
1867

or conditions contained in the said Letters Patent of the thirteenth day of January One thousand eight hundred and forty nine and as regards the Lands comprised under the foregoing heads of exceptions numbered IV. V. and VI. are colored pink and marked on the several blocks and lots into which the same are divided with the letters H.B.C. on the Map or plan thereof hereunto annexed.

COPY of a Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor General in Council, on the 28th November, 1872.

A.D.
1872

ON a Memorandum dated 25th November, 1872, from the Honourable the Secretary of State, submitting a letter from the Hon. Donald A. Smith, dated 21st November, instant, requesting to be informed whether, as relates to the manner in which the Company's one-twentieth is to be obtained, the Governor will agree that lands reserved for Indians shall be considered as lands settled on within the meaning of section 19 of the Dominion Lands Act.

Whether it is correctly assumed that the Company's rights as to their one-twentieth of the lands in the four-mile strip shall also be regulated in accordance with the said clause, and whether the Company will be at liberty at all times to relinquish to the Government without any equivalent therefor any of the lands allotted to them, which they may not desire to retain.

The Secretary, in reference to the above, recommends that, in allotting to the Company their one-twentieths of the lands in the four-mile strip, should such allotment fall on lands sold or occupied since the deed of surrender, the Company shall have the right to select unoccupied lots in the said strip to an equal extent in lieu thereof.

As regards the lands vested in the Company, the Secretary observes that the title in the same having passed from the Government, the Company becomes the owner of such lands, and has the power to dispose of them as may be thought best to serve the interests of the proprietors, and no action therefor in connection therewith is required from him.

A.D.
1872

HUDSON'S BAY COMPANY

The Committee submit the foregoing memorandum
for Your Excellency's approval.

Certified,

(signed) W. A. HIMSWORTH,
Clerk, Privy Council.

To THE HON.

THE SECRETARY OF STATE,
&c., &c., &c.

A.D.
1811

Extracts from INDENTURE dated 12th June, 1811, between the Governor and Company of Adventurers of England trading into Hudson's Bay and the Right Honourable Thomas Earl of Selkirk giving, granting, aliening, enfeoffing and confirming unto the Earl of Selkirk, his heirs and assigns, "ALL that Tract of Land or Territory being within and forming part of the aforesaid Lands and Territories of the said Governor and Company bounded by an imaginary line running as follows that is to say beginning on the western shore of Lake Winipic otherwise Winnipeg at a point in fifty two degrees and thirty minutes north latitude and thence running due west to the Lake Winnipigoos otherwise called Little Winnipeg then in a southerly direction through the said Lake so as to strike its western shore in latitude fifty two degrees then due west to the place where the parallel of fifty two degrees north latitude intersects the western branch of Red River otherwise called Assiniboyne River then due south from that point of intersection to the height of Land which separates the waters running into Hudsons Bay from those of the Missouri and Mississippi then in an easterly direction along the said height of Land to the source of the River Winipic or Winnipeg (meaning by such last named River the principal branch of the waters which unite in Lake Saginagas) thence along the main stream of these waters and the middle of the several Lakes through which they flow to the mouth of the Winipic River and thence in a northerly direction through the middle of Lake Winipic to the place of beginning. . . . Together with all mines minerals and metals and delfs and quarries of stone and lime already discovered or hereafter to be discovered within the limits of the Land hereby granted and enfeoffed or otherwise assured or expressed and intended so to be.

And also all and singular houses edifices buildings forests woods springs woodlands and underwoods and the ground and soil thereof respectively trees timber and

timberlike trees quays wharfs landings and landing places lakes ponds rivers pools dams and streams of water fishings and fishing places and rights of fishery moats moors marshes wastes waste grounds commons common of pasture and common of turbary furzes heaths mounds hedges fences ditches roads fens fen grounds ways paths passages easements waters water courses and all and singular other the rights franchises liberties customs profits commodities emoluments benefits advantages members hereditaments and appurtenances whatsoever to all and singular the said land and premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be or any part or parcel thereof belonging or in anywise appertaining or to or with the same held used possessed or enjoyed or accepted reputed adjudged esteemed deemed taken or known as part parcel or member thereof or of any part thereof or as appurtenant thereunto And the reversion and reversions remainder and remainders yearly and other profits of the said Land, Hereditaments and Premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be or any part or parcel thereof And all the estate right title interest use trust inheritance property possession benefit claim and demand whatsoever at Law and in Equity or otherwise howsoever of them the said Governor and Company of in to or out of the Land Hereditaments and Premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be and every part and parcel of the same saving and reserving nevertheless to the said Governor and Company and their Successors all rights of Jurisdiction whatsoever granted to the said Company by their Charter.

TO HAVE AND TO HOLD the Land and Hereditaments and all and singular other the Premises hereby granted and enfeoffed or otherwise assured or expressed and intended so to be and every part and parcel of the same unto the said Earl of Selkirk his heirs and assigns for ever."

[*The Remainder of the Indenture is omitted.*]

RECONVEYANCE dated 4th May, 1836, from the Right Honourable Dunbar James the Earl of Selkirk to the Governor and Company of Adventurers of England Trading into Hudson's Bay of "ALL that the Tract of Land and Territory and other the premises comprized in and conveyed by the . . . Indenture of Feoffment of the twelfth day of June One thousand eight hundred and eleven or all such part or parts thereof as is or are not within the Boundaries or part of the Territories belonging to the United States of America according to the line of Demarcation on that behalf established by the second article of the convention between His Britannic Majesty and the Government of the United States of America. . . . Together with all Mines Minerals and Metals Quarries houses outhouses edifices Buildings Forests woods woodlands trees Fishings and Fishing places and rights of Fishery and all and singular other the rights franchises liberties customs profits Commodities benefits advantages emoluments members and appurtenances whatsoever to the said tract of Land or Territory and Premises or part or parts of Tract of Land or Territories and Premises hereby released or intended so to be belonging or in any wise appurtenanting or to or with the same or any part thereof held used occupied or enjoyed or accepted reputed deemed taken or known as part parcel or member thereof and the Reversion and Reversions Remainder and Remainders Rents Issues and profits of all and singular the tract or Territory or part of Tract or Territory and other the premises hereby released or intended so to be and all the estate right title and interest therein of him the said Dunbar James Earl of Selkirk.

A.D.
1836

TO HAVE AND TO HOLD the said Tract or Territory or part of Tract or Territory and other the premises hereby released or intended so to be and every part thereof with

the appurtenances unto the said Governor and Company and their Successors To THE USE of the said Governor and Company and their Successors for ever But Subject nevertheless to all and every the Grant or Grants and Contract or Contracts for a Grant or Grants whether in the form of a Certificate or Certificates only or otherwise and made and entered into and given respectively by or on the part of the said Thomas Earl of Selkirk in his life time or by the trustees of his said Will or by the said Dunbar James Earl of Selkirk since the decease of the said Thomas Earl of Selkirk and antecedently to the first day of June One thousand eight hundred and thirty four so far as the same Grant or Grants Contract or Contracts is or are binding upon the said Thomas Earl of Selkirk or his said Trustees or the said Dunbar James Earl of Selkirk or his or their Representatives whether as being complete Grants or executory only and to be observed and performed but subject thereto only so far as the same can be identified with the names of the persons respectively mentioned as holders of Land in a certain Roll or Book of particulars delivered by or on the part of the said Dunbar James Earl of Selkirk to the said Governor and Company and dated the [*fourth*] day of [*May*] One thousand eight hundred and thirty six and now in the archives of the said Governor and Company the same being verified by the signature of the said Dunbar James Earl of Selkirk and identified also with the several other particulars mentioned in the same Roll or Book with relation to the same person or persons but only also so far as the same Grant or Grants or Contracts shall be found not to be at variance with the terms and conditions contained in the said Indenture of Feoffment or therein made necessary in the case and upon the occasion of every Grant to be made conformably thereto and yet also subject and without prejudice to the right of the said Dunbar James Earl of Selkirk his executors administrators and assigns to have and receive for his and their benefit in every case of Contract made by him or the said Thomas late Earl of Selkirk or his Trustees

in consideration of a sum of money to be paid for every or any such Grant so much of the said purchase money as now respectively remains unpaid and shall become payable and be actually paid to the said Governor and Company upon the completion of the same Contract or Contracts by or on the part of the said Governor and Company AND the said Dunbar James Earl of Selkirk doth hereby for himself his heirs executors and administrators covenant promise and agree to and with the said Governor and Company and their Successors that the said Roll or Book of Particulars contains the names of all and every the person and persons to whom any Grant or Grants or Contract or Contracts for a Grant or Grants whether by Certificate or otherwise hath or have been made and entered into or given by or on the part of the said Thomas Earl of Selkirk or his said Trustees or by the said Dunbar James Earl of Selkirk with the several other particulars relating to such Grant or Grants Contract or Contracts and the terms thereof so far as the said Dunbar James Earl of Selkirk hath been able to ascertain and set forth the same and that the same Grants and Contracts respectively so far as the said Earl hath been able to ascertain the same were made and entered into with conditions and stipulations in accordance with the conditions of the said Indenture of Feoffment and so as to give effect to the same and the true intent and meaning thereof and that he the said Dunbar James Earl of Selkirk (subject nevertheless and without prejudice as aforesaid) hath now in himself good right by these presents to convey the said Tract of Land or part of Tract of Land and other the premises hereby released or intended so to be unto and to the use of the said Governor and Company and their Successors for ever AND that the said Governor and Company and their Successors shall or may from time to time and at all times for ever hereafter peaceably and quietly enter into and upon and have hold use occupy possess and enjoy the same Tract of Land or part of Tract of Land and other the Premises

A.D.
1836

HUDSON'S BAY COMPANY

hereby released or intended so to be to and for their own use and benefit without any let suit interruption hindrance or denial whatsoever of or by him the said Dunbar James Earl of Selkirk or his heirs or any person or persons rightfully claiming or to claim by from under through or in trust for him or them or by from under through or in trust for the said Thomas Earl of Selkirk deceased other than and except nevertheless the person or persons respectively named in the said Roll or Book hereinbefore mentioned or referred to or any person or persons deriving title from him or them for or in respect but only for or in respect of any estate right or interest to which he or they may be entitled or may appear to be entitled by reason of any matter therein mentioned."

AGREEMENT between His Majesty the King, represented by The Honourable The Minister of the Interior and Superintendent General of Indian Affairs and The Governor and Company of Adventurers of England Trading into Hudson's Bay.

A.D.
1924

THIS Agreement is made the twenty-third day of December in the year of Our Lord one thousand nine hundred and twenty-four between His Majesty the King hereinafter called His Majesty, represented herein by the Honourable The Minister of the Interior and Superintendent General of Indian Affairs, hereinafter called the Minister, of the first part, and the Governor and Company of Adventurers of England Trading into Hudson's Bay, hereinafter called the Company of the other part.

Whereas there have been differences of opinion between the parties hereto as to the rights of the Company in respect of lands to which it is entitled or claimed to be entitled under the provisions of the Deed of Surrender to His Majesty, bearing date the nineteenth day of November, A.D. 1869, of Ruperts Land and other lands therein mentioned and described, and under the legislation respecting the said lands, *and this agreement is intended as a final settlement of the questions in dispute as herein set forth.*

NOW THESE PRESENTS WITNESS AS FOLLOWS:

1. The Company agrees to surrender and release unto His Majesty all lands situate within forest reserves,

HUDSON'S BAY COMPANY

Dominion parks and Indian reserves in the Fertile Belt as defined in the said Deed of Surrender, hereinafter called the Deed, and by an Order in Council P.C. 1667, bearing date the seventh day of May, 1896, to which the Company holds title, and also any other interest, if any, in or to lands in the said reserves and parks to which it is entitled or claims to be entitled under the terms of the Deed and the said legislation, in exchange for a quantity of vacant available Dominion Lands in the Provinces of Manitoba, Saskatchewan and Alberta, situate outside the said reserves and parks to be selected by the Company, and equal in area to the sum of the following:

(a) One-twentieth of the area of any land surveyed or unsurveyed included in fertile belt Forest Reserves other than the Parks and Reserves mentioned in sub-paragraph (c) hereunder, Forest Reserves being as defined by the schedule to Chapter 13 of the Statutes 13 and 14 George V (Dom. 1923).

(b) One-twentieth of the area of any land included prior to said enactment in Forest Reserves other than those mentioned in said sub-paragraph (c).

(c) The area of any land within Rocky Mountain Park, Waterton Lake Park, Rocky Mountain Forest Reserve and Indian Reserves, unencumbered title to which is surrendered by the Company to His Majesty.

Provided that no lands in Indian reserves and the Rocky Mountains Forest Reserve, the Rocky Mountains Park or in the Waterton Lakes Park as defined and shown on the homestead map or plan, Western Canada, of the Department of the Interior, seventeenth edition, published in the year 1921, copy of which is hereto annexed, except lands to which the Company surrendered, or surrenders, the unencumbered title in fee simple shall be credited to the Company in the said exchange of lands. *Provided that in cases where the Company has leased mineral rights the lands shall be conveyed and the leases assigned to His Majesty, and*

the title shall be treated as an unencumbered title in fee simple for the purposes of this agreement.

Provided that any lands heretofore granted or conveyed by His Majesty to the Company for purposes of exchange in excess of the area heretofore relinquished or surrendered by the Company for such exchange shall be reckoned and taken as lands selected and acquired by the Company in satisfaction—*pro tanto*—of the Company's rights to lands under this clause.

2. In cases where the Company has disposed of lands within the said Indian reserves by agreement of sale and has not conveyed the title to the purchasers it agrees to use its best efforts, *without payment by it*, to obtain a conveyance or relinquishment of the purchaser's rights, and upon obtaining the same the Company agrees to surrender and convey the same to His Majesty.

3. His Majesty hereby agrees to release and discharge the express reservation for public roads, canals, or other public works, contained in patents issued to the Company by His Majesty of lands in the Fertile Belt, except as to patents of land surrounding Company's posts or stations to which the Company is or was entitled under the provisions of Clauses 2 and 3 of the Deed.

4. In respect of lands comprised in the Fertile Belt and situate outside said reserves and parks the survey of which had been conformed prior to the *twenty-third* day of June, 1920, His Majesty agrees to notify the Company in respect of the one-twentieth to which the Company is entitled under the provisions of *said legislation* and for the purpose of having the title vested in the Company.

5. In respect of fractional or partly surveyed townships within the Fertile Belt situate outside the said Indian reserves, forest reserves and parks, the survey of which had been confirmed prior to the said twenty-third day of June, 1920, and where title has not yet been issued to

HUDSON'S BAY COMPANY

the Company, His Majesty agrees to issue patents to the Company of the one-twentieth part of the lands therein to which the Company is entitled, *and the said patents shall not contain any reservation for public roads, canals or other public works.*

6. All exchanges of lands within the Fertile Belt heretofore made between the parties to this agreement are hereby ratified and confirmed.

7. It is mutually agreed that the eight thousand acres of land set apart by His Majesty for an equal quantity surrendered by the Company to His Majesty for military purposes, and also lands placed at the disposal of the Soldier Settlement Board for Soldier Settlement purposes which for any reason revert or have reverted to the control of the Minister to be administered in accordance with the provisions of the Dominion Lands Act, shall be available to the Company in the selection of lands to be made under this agreement.

8. His Majesty agrees to issue Letters Patent of the lands to be conveyed by His Majesty under this agreement, in conformity as to description with the plans of Dominion Government surveys, without any express reservation of minerals.

9. The Company agrees to complete its examination and selection of lands to be conveyed to it under the provisions of this agreement within a period of three years from the date hereof.

10. The Company agrees to furnish to the Minister a list of lands within the said Indian reserves, forest reserves and parks to which it holds title or in which it has any interest, *and His Majesty will on receipt of such list prepare a surrender of such land in favour of His Majesty.*

11. The Company hereby relinquishes any right to compensation which it may be entitled to for areas of land

AGREEMENT

A.D.
1924

covered by old trails established prior to survey where such trails are within lands to which the Company is entitled or may be entitled under the provisions of the Deed or the said legislation.

12. The performance of this agreement shall be full and final settlement of all claims of the Company against His Majesty for land under section 5 of the Deed of Surrender, and for compensation for lands thereunder, and under the statutes affecting the same.

13. The Company has claimed the gold and silver and precious metals in, under or upon its lands, and the matter is to be the subject of a reference to the Supreme Court of Canada, and should it be finally decided therein or in any appeal therefrom or in other proceedings that the Company is entitled to the gold, silver and precious metals in, under or upon any of the said lands, then it will receive the gold, silver and precious metals in, under or upon the lands selected by the Company in settlement of its claim hereunder.

14. The Company may at any time reconvey to His Majesty in the right of the Dominion of Canada any parcel or parcels of land in the possession of the Company and not required by it, all such reconveyances to be made without any equivalent or compensation to the Company, provided that such reconveyances shall vest the lands in His Majesty in the right of the Dominion of Canada free of all encumbrances, and that all provincial or municipal assessments in respect of the same shall be paid by the Company prior to the date of such reconveyances, and upon any such reconveyances being made in compliance with the above conditions, His Majesty, by the Honourable the Minister of the Interior, will accept the same.

IN WITNESS WHEREOF the Minister hath hereunto set his hand and affixed the seal of the department, and the

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1924

HUDSON'S BAY COMPANY

Company have also hereto caused their common seal to be affixed.

DATED at OTTAWA this 23rd day of December in the year of Our Lord one thousand nine hundred and twenty-four.

Signed, Sealed and Delivered
in the presence of

(sd.) J. CHADWICK BROOKS,
Secretary.



(sd.) R. M. KINDERSLEY,
Governor.

Signed, Sealed and Delivered
in the presence of

(sd.) W. J. F. PRATT.



(sd.) CHARLES STEWART,
*Minister of the Interior and
Superintendent General
of Indian Affairs.*

LETTER from the Deputy Minister of the Interior
to the Land Commissioner of the H.B.C.

OTTAWA, CANADA, 26th March, 1924.

A.D.
1924

DEAR MR. HARMAN,

Adverting to the discussion we had yesterday afternoon regarding the proposed settlement of the land account of the Hudson's Bay Company, a number of questions were submitted by you on points relating to the proposed settlement, which I am answering without prejudice and to the best of my ability, it being of course distinctly understood that the statements made in this letter are subject to ratification by the Minister of the Interior when an acceptable basis of settlement has been reached as between the Company and the Department :

(1) Regarding Forest Reserves established by Parliament, the Company will receive its one-twentieth in any townships which have recently been withdrawn from such Reserves. If any part of the land so withdrawn has not yet been surveyed, the Company's one-twentieth will be conveyed to them in the regular way upon the completion and approval of the plan of survey of the township.

(2) Previous to the establishment of the existing Forest Reserves and Parks, it appears that certain parcels had been transferred to the Company and sold by them. In such cases, if the Government desires to acquire the land for the purpose of including it in the Reserve, the matter will be taken up by the Department with the present owner.

(3) The area of lands already conveyed to the Company in excess of land surrendered by the Company will be deducted from any balance found to be due to the Company in the proposed settlement.

(4) In whole townships lying outside Indian Reserves, Forest Reserves and Parks, within the settlement belt, where the survey was confirmed prior to the

HUDSON'S BAY COMPANY

23rd June, 1920, when the Company's right of selection under the Deed of Surrender expired, but where title has not yet passed to the Company, notification for the Company's one-twentieth will issue in due course, and if the Company desire to reconvey any of such lands to the Crown without compensation they are to be permitted to do so.

(5) In fractional or partly surveyed townships lying outside Indian Reserves, Forest Reserves and Parks, within the settlement belt, where the survey of the township was confirmed prior to the 23rd June, 1920, but where title has not yet passed to the Company, patents for the Company's one-twentieth will issue in due course without reservation for roads or public works, and if the Company desire to reconvey any of such lands to the Crown without compensation they are to be permitted to do so.

(6) Where the Company under the agreement makes selections from vacant available Dominion lands, such selections upon being approved will be conveyed to the Company by patent according to the plan of the Dominion Government survey, the water rights to remain vested in the Crown.

(7) In reference to old trails established prior to survey, the Company will not be entitled to compensation for the areas covered by such trails.

(8) A period of three years will be allowed within which the Company shall complete its examination and selection of lands.

(9) Upon a settlement being reached, it is understood that the Company will furnish a list of lands to which they hold title within the limits of Indian Reserves, Forest Reserves and Parks, and upon receipt of such a list, the Department will prepare a draft form of surrender and submit it to the Company.

(10) Regarding the 8,000 acres surrendered by the Company for Militia Reserves, I may say that the Department set apart an equal area, which is still reserved for the Company's benefit. This area is available for the

Company, but will be charged against it in the exchange account.

I might say that some years ago we placed at the disposal of the Soldier Settlement Board an area of approximately 100,000 acres of land which had previously been reserved for selection by the Company. We learn that a portion of this land has not been disposed of by the Soldier Settlement Board and will revert to this Department. Whatever area may thus become available out of the 100,000 acres will be set aside for selection by the Company on the general exchange account.

(11) The proposed settlement to be arrived at in respect of the land account of the Company will not in any way affect the Company's position in respect of its claims to gold and silver, which claims are now before the Department of Justice for consideration.

(12) As to desirable districts from which to select lands, I do not feel competent to advise, but may say that any information at the disposal of the Department will be made readily available.

(13) In the issue of patents covering all lands passing to the Company on exchange account, it is understood that the Company will receive title to both surface and mineral rights, and that the Company in surrendering lands to the Crown will also surrender both surface and mineral rights.

(14) Your enquiry with regard to the Order in Council of the 14th ultimo, dealing with the matter of reconveyances to the Crown, will be made the subject of a separate letter.

The completion of the settlement will be arrived at by means of an agreement to be later ratified by Order in Council, and when a basis of settlement has been decided upon, the necessary papers will be drawn up in the Department, and submitted to the Company for consideration and execution.

Yours very truly,

(sd.) W. W. CORY,

Deputy Minister.

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves comparing the actual outcomes against the objectives and goals to determine the effectiveness of the project.

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